

**AGENDA OF A REGULAR MEETING - NATIONAL CITY CITY COUNCIL/
COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY OF
THE CITY OF NATIONAL CITY**



**COUNCIL CHAMBERS
CIVIC CENTER
1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, APRIL 17, 2018 – 6:00 PM**

RON MORRISON
Mayor

ALBERT MENDIVIL
Vice Mayor

JERRY CANO
Councilmember

MONA RIOS
Councilmember

ALEJANDRA SOTELO-SOLIS
Councilmember

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Sessions begin at 5:00 p.m. or such other time as noted. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review at the entry to the Council Chambers. Regular Meetings of the Elected Body are webcast and archived on the City's website www.nationalcityca.gov.

PUBLIC COMMENTS: Prior to the Business portion of the agenda, the Elected Body will receive public comments regarding any matters within the jurisdiction of the City and/or the Community Development Commission. Members of the public may also address any item on the agenda at the time the item is considered by the Elected Body. Persons who wish to address the Elected Body are requested to fill out a "Request to Speak" form available at the entrance to the City Council Chambers, and turn in the completed form to the City Clerk. The Mayor or Chairperson will separately call for testimony of those persons who have turned in a "Request to Speak" form. If you wish to speak, please step to the podium at the appropriate time and state your name and address (optional) for the record. The time limit established for public testimony is three minutes per speaker unless a different time limit is announced. Speakers are encouraged to be brief. The Mayor or Chairperson may limit the length of comments due to the number of persons wishing to speak or if comments become repetitious or irrelevant.

*1243 National City Blvd.
National City
619-336-4240*

*Meeting agendas and
minutes available on web*

WWW.NATIONALCITYCA.GOV

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

CONSENT CALENDAR: Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of

the agenda and separately considered upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Spanish audio interpretation is provided during Elected Body Meetings. Audio headphones are available in the lobby at the beginning of the meeting.

Audio interpretación en español se proporciona durante sesiones del Consejo Municipal. Los audífonos están disponibles en el pasillo al principio de la junta.

Spanish to English interpretation services are available to members of the public who wish to speak to the City Council during the meeting. "Request to Speak" forms requesting interpretation must be filed within the first two hours of the meeting.

Español a los servicios de interpretación Inglés de audio está disponibles para los miembros del público que desean hablar con el Ayuntamiento durante del Consejo Municipal. "Solicitud para hablar de" formas solicitud de interpretación deben ser presentadas dentro de las dos primeras horas del Consejo Municipal.

COUNCIL REQUESTS THAT ALL CELL PHONES AND PAGERS BE TURNED OFF DURING CITY COUNCIL MEETINGS.

OPEN TO THE PUBLIC

A. CITY COUNCIL

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE TO THE FLAG

PUBLIC COMMENTS (THREE-MINUTE TIME LIMIT)

PROCLAMATIONS

AWARDS AND RECOGNITIONS

PRESENTATIONS

1. [Update on Community Service Day Projects to be held on Saturday, April 28, 2018. \(Community Services\)](#)

INTERVIEWS / APPOINTMENTS

2. [Interviews and Appointments: SANDAG Shoreline Preservation Working Group. \(City Clerk\)](#)

CONSENT CALENDAR

3. [Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances considered at this meeting and providing that such Ordinances shall be introduced and/or adopted after a reading of the title only. \(City Clerk\)](#)
4. [Approval of the Minutes of the Adjourned Regular Meeting of the City Council of the City of National City of November 7, 2017, Special Meeting of the City Council of the City of National City of November 21, 2017, and the Regular Meetings of the City Council and Community Development Commission - Housing Authority of the City of National City of November 21, 2017 and December 5, 2017. \(City Clerk\)](#)
5. [Resolution of the City Council of the City of National City authorizing the Mayor to execute the Standard Assurances for the FY17 State Homeland Security Grant Program and authorizing the establishment of Reimbursable Grants City-Wide Fund appropriations and corresponding revenue budgets each in amounts totaling \\$51,472 for FY17 State](#)

Homeland Security Grant Program funds for a reimbursable grant purchase of equipment for the Police and Fire Departments. (Fire)

6. Resolution of the City Council of the City of National City authorizing the Mayor to execute an Agreement between the City of National City and Meritage Systems, Inc., to provide online plan submittal and tracking services for Building, Engineering, Planning and Fire, through the Meritage website. Meritage and EsGil are both subsidiaries of Safebuilt; and as such, an amendment to the City's agreement with EsGil will allow the City to pay Meritage for the enhanced tracking system utilizing monies collected during the plan review and permit issuance process. (Building/Fire)
7. Resolution of the City Council of the City of National City authorizing the Mayor to sign the First Amendment to the Agreement between the City of National City and EsGil Corporation to amend Section 5 (Compensation and Payment) to increase compensation by one percent (1%) from sixty-five percent (65%) to sixty-six percent (66%) to cover the costs of the Meritage Systems, Inc., annual support & license fees. (Funded by monies collected by fees charged during the Plan review and Permit issuance process. (Building/Fire)
8. Resolution of the City Council of the City of National City 1) authorizing the Chief of Police to enter into a Memorandum of Agreement with the County of San Diego (San Diego Sheriff's Department and Probation Department) and municipal law enforcement agencies throughout the County for program support of the Regional Realignment Response Group (R3) for the program period retroactive from July 1, 2017 to June 30, 2022, and 2) authorizing the acceptance of the grant funds & the establishment of an appropriation and corresponding revenue budget for the R3 grant in the amount of \$45,000. (Police)
9. Resolution of the City Council of the City of National City: 1) accepting the work performed by Dick Miller, Inc. for the Plaza Boulevard Widening "N" Avenue to I-805, CIP No. 16-01; 2) ratifying the execution of Change Order No. 50 in the amount of \$183,135.00 for additional asphalt repairs; 3) approving the final contract amount of \$2,082,354.67; 4) ratifying the release of retention in the amount of \$104,117.73; and 5) ratifying the filing of the Notice of Completion for the project. (Engineering/Public Works)
10. Resolution of the City Council of the City of National City authorizing the City Manager to negotiate and execute Proposition 1 Storm Water Grant Program (SWGP) Agreement No. D1612675 between the State Water Resources Control Board and the City of National City for the Paradise Creek Biofiltration Project in the amount of \$1,344,425 and authorizing

corresponding revenue and expenditure accounts. (Engineering/Public Works)

11. Resolution of the City Council of the City of National City approving the following list of projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA) through the Local Streets and Roads Funding Program as required by Senate Bill 1, the Road Repair and Accountability Act of 2017: 1) Euclid Avenue Street Resurfacing and 2) Palm Avenue Street Resurfacing; and authorizing the establishment of a Gas Tax Fund appropriation of \$1,016,456 for Fiscal Year 2019 and corresponding revenue budget for receipt of RMRA funds.(Engineering/Public Works)
12. Resolution of the City Council of the City of National City authorizing the installation of red curb “No Parking” at the intersection of E. 16th Street and Earle Drive to improve visibility at the intersection and at the crosswalk (TSC No. 2018-01). (Engineering/Public Works)
13. Resolution of the City Council of the City of National City authorizing the installation of red curb “No Parking” at the intersections of Palm Avenue with E. 14th Street and E. 15th Street in order to improve visibility at the intersections (TSC No. 2018-02). (Engineering/Public Works)
14. Resolution of the City Council of the City of National City authorizing the installation of a blue curb disabled persons parking space with signage in front of the residence located at 110 E. 17th Street (TSC No. 2018-03). (Engineering/Public Works)
15. Investment transactions for the month ended February 28, 2018. (Finance)
16. Warrant Register #36 for the period of 02/28/18 through 03/06/18 in the amount of \$2,947,898.30. (Finance)
17. Warrant Register #37 for the period of 03/07/18 through 03/13/18 in the amount of \$1,787,481.46. (Finance)

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

18. Public Hearing and Adoption of an Ordinance of the City Council of the City of National City amending Chapter 10.43 of the National City Municipal Code concerning alcohol and illegal drug offenses by minors and juveniles. (City Attorney)
19. Public Hearing and Resolution of the City Council of the City of National City approving or denying a Conditional Use Permit and Coastal Development Permit for a gas station and convenience store with beer and wine sales to be located at 724 Civic Center Drive in the Coastal

[Zone. \(Applicant: Stosh Podeswik\) \(Case File 2017-03 CUP, CDP\) \(Planning\)](#)

20. [Public Hearing and Resolution of the City Council of the City of National City approving or denying a Zone Variance to waive the minimum street wall requirement for a multi-family development located at 1628 Orange Street. \(Applicant: Keith Robinson\) \(Case File 2017-27 Z\) \(Planning\)](#)

NON CONSENT RESOLUTIONS

NEW BUSINESS

21. [City Council Legislative Recess. \(City Manager\)](#)
22. [To consider a Motion to direct the City Attorney to hire outside counsel to conduct an investigation into the allegations that Councilmember Cano violated State law, which includes, but is not limited to, Government Code Section 87100 as it relates to influencing a governmental decision or staff decision in which he knows or has reason to know he has a financial interest,, as well as, investigating any other allegations by or against Councilmember Cano. \(City Attorney\)](#)

B. COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY

CONSENT RESOLUTIONS - HOUSING AUTHORITY

23. [Resolution of the City Council of the City of National City authorizing the Chairman to execute a Subordination Agreement allowing a new mortgage that is not-to-exceed \\$97,000 to be and remain a lien prior and superior to a home purchase assistance loan on a single-unit property located at 1832 "E" Avenue in National City. \(Housing & Economic Development\)](#)

PUBLIC HEARINGS: RESOLUTIONS - HOUSING AUTHORITY

NON CONSENT RESOLUTIONS - HOUSING AUTHORITY

NEW BUSINESS - HOUSING AUTHORITY

C. REPORTS

STAFF REPORTS

MAYOR AND CITY COUNCIL

CLOSED SESSION REPORT

ADJOURNMENT

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - May 1, 2018 - 6:00 p.m. - Council Chambers - National City, California.

Budget Schedule - FY 2019:

- Tuesday, May 8, 2018, 5:00 p.m. - Budget Workshop / Preliminary Budget Presentation
- Tuesday, May 29, 2018, 5:00 p.m. - Budget Workshop
- Tuesday, June 19, 2018, 6:00 p.m. - Budget Hearing / Adoption

No June 5, 2018 City Council Meeting due to the Special Municipal Election

The following page(s) contain the backup material for Agenda Item: Update on Community Service Day Projects to be held on Saturday, April 28, 2018. (Community Services)

Item # ____

4/17/18

**Update on Community Service Day projects to be held on Saturday,
April 28, 2018. (Community Services)**

The following page(s) contain the backup material for Agenda Item: Interviews and Appointments: SANDAG Shoreline Preservation Working Group. (City Clerk)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO. |

ITEM TITLE:

Interviews and Appointments: SANDAG Shoreline Preservation Working Group. (City Clerk)

PREPARED BY: Michael R. Dalla

DEPARTMENT: City Clerk

PHONE: 619-336-4226

APPROVED BY: 

EXPLANATION:

In February the SANDAG Regional Planning Committee approved changes to the SANDAG Shoreline Preservation Working Group charter. One of these changes is the addition of two new members: representatives from the Cities of Chula Vista and National City.

A primary and alternate member to the Shoreline Preservation Working Group needs to be appointed from the City Council. Chula Vista has already made their appointments.

Information regarding the Shoreline Preservation Working Group can be found on the SANDAG web site at the following link:

<http://www.sandag.org/index.asp?committeeid=26&fuseaction=committees.detail>

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Make two appointments.

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

SANDAG e-mail dated 02-06-2018.

Cheryl Newell

From: Mike Dalla
Sent: Wednesday, April 04, 2018 6:21 PM
To: Cheryl Newell
Subject: FW: Shoreline Preservation Working Group appointments

Importance: High

From: Lero, Tessa [<mailto:Tessa.Lero@sandag.org>]
Sent: Tuesday, February 06, 2018 3:39 PM
To: Ron Morrison <RMorrison@nationalcityca.gov>; Mona Rios <MonaRios@nationalcityca.gov>; Alejandra Sotelo-Solis <asotelosolis@nationalcityca.gov>; 'msalas@chulavistaca.gov' <msalas@chulavistaca.gov>; 'spadilla@chulavistaca.gov' <spadilla@chulavistaca.gov>; 'John McCann' (jmccann@chulavistaca.gov) <jmccann@chulavistaca.gov>; 'ghalbert@chulavistaca.gov' <ghalbert@chulavistaca.gov>; 'kbacon@chulavistaca.gov' <kbacon@chulavistaca.gov>; Leslie Deese <LDeese@nationalcityca.gov>; 'lleon@nationalcityca.gov' <lleon@nationalcityca.gov>; 'Kerry Bigelow' <KBigelow@chulavistaca.gov>; Mike Dalla <MDalla@nationalcityca.gov>
Cc: Pierce, Sarah <Sarah.Pierce@sandag.org>
Subject: Shoreline Preservation Working Group appointments
Importance: High

SANDAG Board members and City Managers/City Clerks:

At last Friday's meeting, the Regional Planning Committee approved changes to the SANDAG Shoreline Preservation Working Group charter. One of these changes is the addition of two new members: representatives from the Cities of Chula Vista and National City.

If you or staff have any questions regarding this appointment, Keith Greer, Principal Regional Planner, is the Project Manager, and can be reached at phone: (619) 699-7390, email: keith.greer@sandag.org. In addition, you also may contact Sarah Pierce, Regional Environmental Planner, at phone: (619) 699-7312; email: sarah.pierce@sandag.org.

Information regarding the Shoreline Preservation Working Group can be found on the SANDAG web site at the following link:

<http://www.sandag.org/index.asp?committeeid=26&fuseaction=committees.detail>

As per SANDAG policy, please provide me in writing notice of your city appointment to the Shoreline Preservation Working Group.

Thank you, tessa

Tessa Lero, CAP, OM, TA
Clerk of the Board and
Executive Assistant to the Executive Director

SANDAG
(619) 699-1991 office
(619) 405-9334 cell
401 B Street, Suite 800, San Diego, CA 92101



The following page(s) contain the backup material for Agenda Item: Motion of the City Council of the City of National City approving the waiving of the reading of the text of the Ordinances considered at this meeting and providing that such Ordinances shall be introduced and/or adopted after a reading of the title only. (City Clerk)

Item # ____
04/17/18

**MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL
CITY APPROVING THE WAIVING OF THE READING OF THE
TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING
AND PROVIDING THAT SUCH ORDINANCES SHALL BE
INTRODUCED AND/OR ADOPTED AFTER A READING
OF THE TITLE ONLY.**

(City Clerk)

The following page(s) contain the backup material for Agenda Item: Approval of the Minutes of the Adjourned Regular Meeting of the City Council of the City of National City of November 7, 2017, Special Meeting of the City Council of the City of National City of November 21, 2017, and the Regular Meetings of the City Coun

Item # ____
04/17/18

**APPROVAL OF THE MINUTES OF THE ADJOURNED
REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF NATIONAL CITY OF NOVEMBER 7, 2017,
SPECIAL MEETING OF THE CITY COUNCIL OF THE
CITY OF NATIONAL CITY OF NOVEMBER 21, 2017, AND
THE REGULAR MEETINGS OF THE CITY COUNCIL AND
COMMUNITY DEVELOPMENT COMMISSION – HOUSING
AUTHORITY OF THE CITY OF NATIONAL CITY OF
NOVEMBER 21, 2017 AND DECEMBER 5, 2017.**

(City Clerk)

DRAFT DRAFT DRAFT DRAFT

**MINUTES OF THE ADJOURNED REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION –
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY**

DOWNTOWN SPECIFIC PLAN WORKSHOP

November 7, 2017

The Adjourned Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City was called to order at 4:38 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Board members present: Cano, Mendivil, Morrison, Rios, Sotelo-Solis.
Administrative Officials present: Dalla, Deese, Duong, Morris-Jones, Parra, Raulston, Roberts, Rodriguez, Stevenson, Vergara, Williams.

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

SPECIFIC PLAN – DOWNTOWN (417-01-09)

MUNICIPAL CODE 2017 (506-02-32)

1. Ordinance No. 2017-2441. Public Hearing and Adoption of an Ordinance of the City Council of the City of National City amending the Downtown Specific Plan (Applicant: City-Initiated Land Use Amendment) (Case File 2017-24A) (Planning)

RECOMMENDATION: Adopt the Ordinance amending the Downtown Specific Plan based on the updated draft with Planning Commission and that the staff return in six months with proposed housing policies and or Ordinances that address affordability and provide consistency with State laws.

PRESENTATION: Staff presentations were made on the proposed Updated Draft Land Use Plan.

Note: All presentation materials are attached as Exhibit "A".

TESTIMONY: Irvin Martinez, National City, representing Alliance Californians for Community Empowerment (ACCE) said there was a need for more community input and concern about housing affordability.

Paola Martinez, representing ACCE, said market rate housing would not meet the needs of residents and there are many tenant based housing issues in the city that need attention and requested more time to get the community involved in the issues.

Adriana Huerta, National City, said she did not receive any notice at her home regarding the meeting and that the community needs more time to address the housing needs of current residents.

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS (cont.)

SPECIFIC PLAN – DOWNTOWN (417-01-09)

MUNICIPAL CODE 2017 (506-02-32)

1. TESTIMONY (cont.):

Semilla Luna Marquez, National City, expressed concern about gentrification that is already taking place in the city and the need for a more compassionate and human centered approach to development.

Martha Ramon, National City, St. Anthony's Church, spoke about the housing problems confronting large and small families and senior citizens and the need to proceed slowly so the people can be more involved in expressing their needs for housing.

Nancy Estolano, questioned the proposed height limitations, limiting the number of units in each zone and a change in the number of FAR's permitted.

Jose Lopez, representing ACCE, requested a delay in voting to get more community input regarding rent control, displacement and inclusionary housing.

Fabio Rojas, National City, spoke about gentrification, inclusionary housing, rent control, affordable housing and density bonuses.

Janice Martinelli, National City, speaking for Historical Society, expressed concern about the impacts of installing parking meters.

Dr. Kyra Green, Executive Director of Center on Policy Initiatives, spoke about importance of keeping housing costs down so that existing residents will not be displaced.

Jose Rodriguez, National City, spoke about the high cost of rent, the long waiting list for Section 8, the impacts on seniors and the need for delay to get more community input.

ACTION: Motion by Sotello, seconded by Rios, to continue the hearing to February 13th. Motion failed by the following vote, to-wit:

Ayes: Rios, Sotelo-Solis. Nays: Cano, Mendivil, Morrison.

Abstain: None. Absent: None.

Motion by Cano, seconded by Morrison, to close the Public Hearing. Motion carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison, Rios. Nays: Sotelo-Solis. Abstain: None.

Absent: None.

Motion by Cano, seconded by Mendivil, to adopt the Ordinance.

Motion carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Rios, Sotelo-Solis. Abstain: None. Absent: None.

NOTE: A copy of all presentation materials is attached as Exhibit "A".

Members retired into Closed Session at 5:32 p.m.

CITY COUNCIL

CLOSED SESSION

2. Conference with Legal Counsel – Potential Litigation
Significant Exposure to Litigation under Government Code Section 54956.9(d)(4)
Three Potential Cases

3. Conference with Legal Counsel – Potential Litigation
Significant Exposure to Litigation under Government Code Section 54956.9(d)(4)
Notice of Intent to Sue for Violations of Clean Water Act & Notice of Imminent and Substantial Endangerment and Intent to Sue for Violations of the Resource Conservation and Recovery by International Boundary and Water Commission and Veolia Water North America West, LLC

ACTION: The Closed Session was continued until after the Regular Meeting of the City Council and Community Development Commission. – Housing Authority of the City of National City scheduled for 6:00 p.m.

ADJOURNMENT

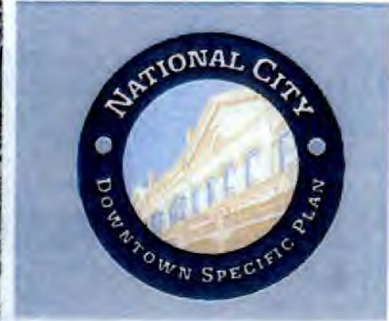
Motion by Cano, seconded by Mendivil, to hold the Closed Session after the Regular Meeting and to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City to be held - Tuesday – November 7, 2017 at 6:00 p.m. at the Council Chambers, National City, California. Carried by unanimous vote.

The meeting closed at 6:07 p.m.

City Clerk

The foregoing minutes were approved at the Regular Meeting of April 17, 2018.

Mayor



Downtown National City Specific Plan
CITY COUNCIL MEETING
November 7, 2017



EXHIBIT 'A'

Agenda



1) PLAN OVERVIEW



2) LAND USE



3) PARKING



4) CIRCULATION



5) DESIGN GUIDELINES



6) CEQA/REVIEW PROCESS



7) STAFF RECOMMENDATION



Action Requested-

Staff Recommendation:

Adopt the Ordinance amending the Downtown Specific Plan based on updated draft with Planning Commission recommendations.

National City Downtown Specific Plan



TOGETHER WE CAN!

1 Plan Overview

- Funded through a SANDAG Smart Growth Incentive Program Grant to provide guidance for the 158-acre downtown to:
 - Integrate smart growth policies and transit supportive planning
 - Provide innovative smart parking policies & reduction bonuses
 - Revitalize downtown by encouraging investment
 - Enhance the public realm through design guidelines
 - Improve mobility options and efficiencies

Project Schedule



Smart Growth Incentive Grant Cycle 3 (2015) Scope

Potential strategies and policies of the DSP Amendment that will help achieve Smart Growth and Smart Parking objectives include:

- Reduce parking requirements if project includes Parking & Traffic Demand Management strategies;
- Support shared parking agreements for developments that are within an acceptable walking distance of an off-street parking facility; and
- Consider a parking district and management plan that is intended to manage parking assets and avoid neighborhood parking impacts.



What we heard from initial comments and input



- Simplify plan and make “user-friendly.”
- Promote housing that serves the community.
- Allow for micro-units.
- Allow bonus units or reduced parking if parking programs & amenities are added.
- Allow a process for density transfer.
- Protect intact neighborhoods and allow for transitions between densities.
- Offer a streamlined process that encourages investment.



Downtown Specific Plan Amendment Goals and Objectives

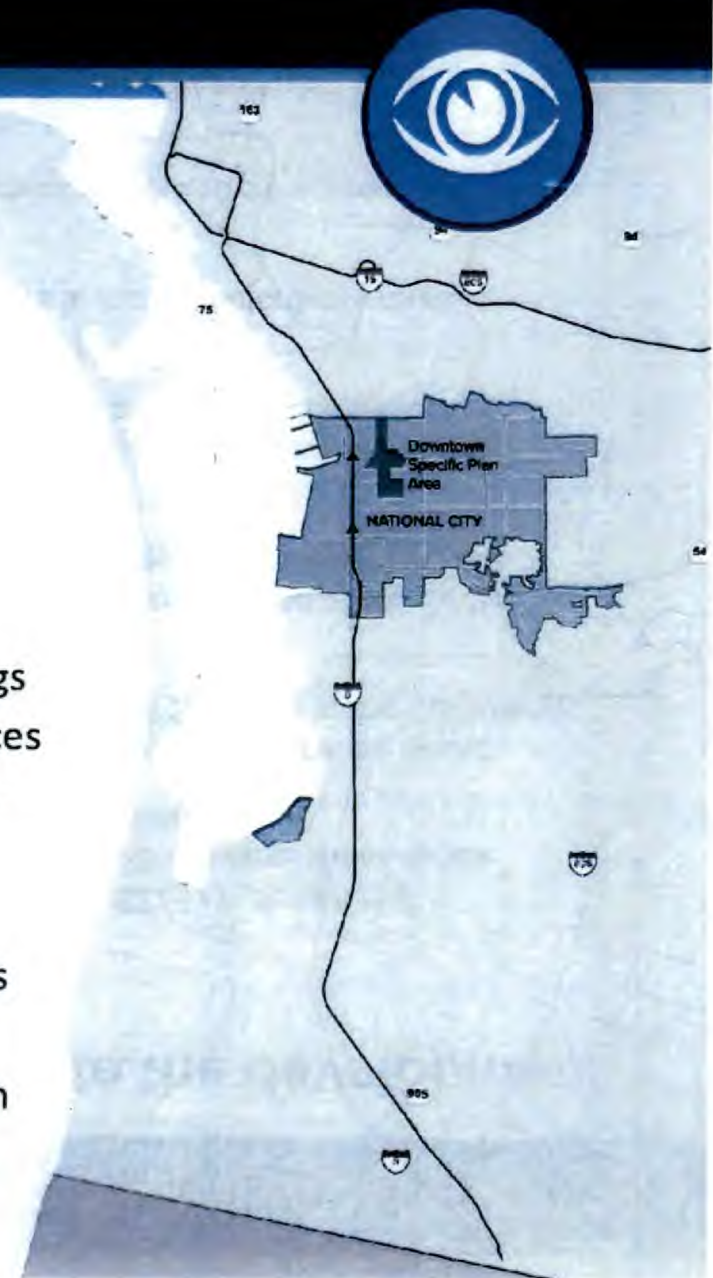


Economic Investment Objectives

- Encourage investment in downtown, provide value & encourage partnerships between land owners, developers, businesses & residents
- Coordinate with the Navy, colleges & other institutions to create a more vibrant downtown by encouraging more persons to live & shop in downtown
- Adjust zoning, land uses and development regulations to increase opportunities for the redevelopment parcels as well as other downtown parcels

Downtown Specific Plan Changes

- The Plan will **not** change:
 - Land use / zoning
 - Street classifications
 - Floor Area Ratio maximums or minimums (FAR)
 - Density related to 5,500 units (300 built since plan adopted)
- The Plan **proposes** to change:
 - Defines height restrictions to be more consistent with FAR
 - Redefine “ground-floor retail” as “street activating uses”
 - Suggest an adaptive reuse policy for “main street style” buildings
 - Propose a transfer of development rights in certain circumstances
 - Establish 5 proposed design districts and supporting guidelines
 - Improve review process to include ministerial review options
 - Suggest various intersection and streetscape enhancements
 - Plan for a shuttle system, expanded bike and pedestrian options
 - Implements Parking Action Plan for downtown area
 - Considers methods for attainable housing / affordable by design
 - Allows Institutional (schools) uses with Conditional Use Permit



Attainable Housing

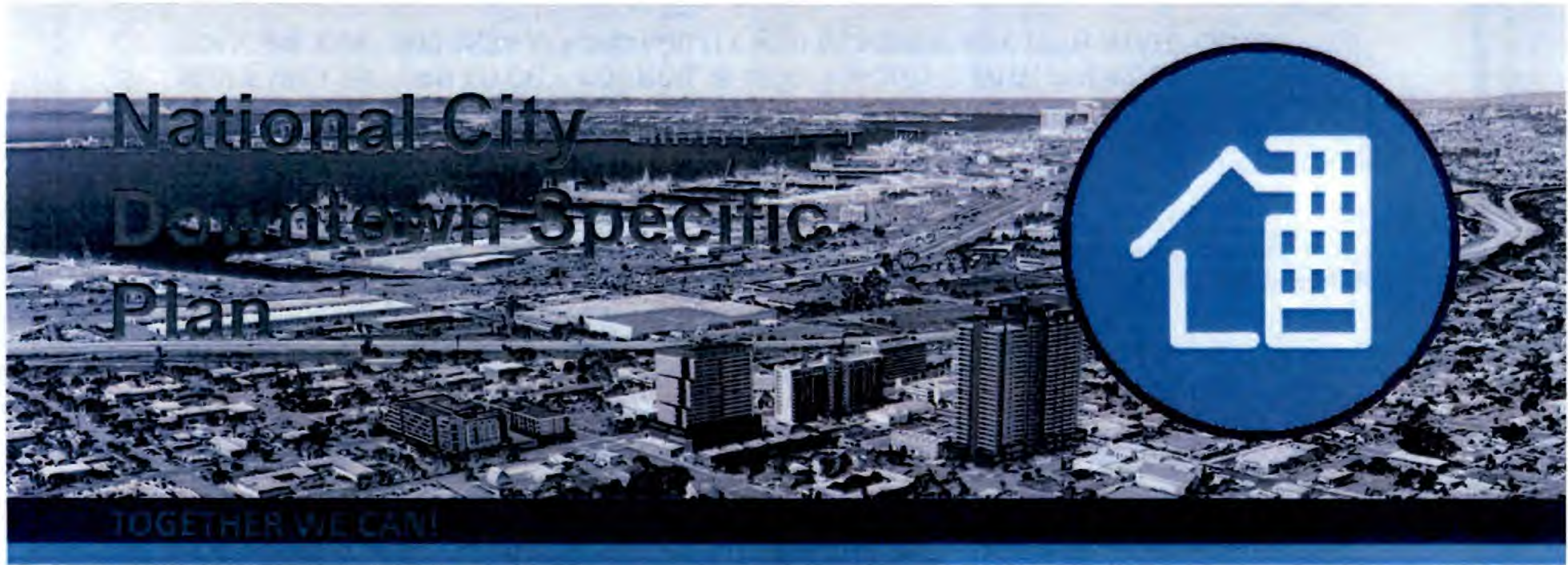
Numerous bills have passed in 2017 to promote the development of attainable housing in California:

- **SB-2:** The Building Homes and Jobs Act creates funding by imposing up to a \$225 on certain real estate transactions. Over the next five years it is anticipated to raise a total of \$5.8 billion. These funds will support homelessness programs and create mixed-income multifamily housing.
- **SB-3:** This bill would authorize \$4 billion in bonds to finance existing housing programs. This bill would authorize \$3 billion in bonds for the construction of new low-income housing and \$1 billion to the Cal-Vet Farm and Home Loan Program.
- **SB-35:** Eliminates multiple local planning reviews for projects that meet certain zoning and affordability standards in jurisdictions with lagging housing production rates. The bill also requires qualifying projects to meet prevailing wage standards for construction workers.
- **AB-73:** Provides local governments with incentives to rezone developments to increase housing density near transit and job centers. At least 20 percent of the housing projects must be low- or middle-income residents. If zoning standards are met, permits will be granted without delay.
- **AB-1505:** Restores the ability of local governments to require developers to include affordable rental units, after an appellate court decision cut off that tool in 2009.
- **AB-1521:** Owners must accept a qualified offer to purchase the apartment complex from someone who pledges to continue renting the home to low-income residents.

Attainable Housing

- **AB-571:** This bill would authorize the California Tax Credit Allocation Committee to allocate the farmworker housing credit even if the taxpayer receives federal credits. Farmworker housing is redefined as housing in which at least 50 percent of the units are occupied by farmworkers.
- **AB-1397:** This bill would require the inventory of land to be available for residential development to meet the locality's housing need for a designated income level.
- **SB-166:** Pushes cities and counties to plan for their share of low-income and moderate-income housing needed in the region.
- **AB-879:** This bill instructs cities to determine how long it takes developers to build their projects after they have been approved and then take steps to shorten that time.
- **SB-167:** Cities that do not comply with a court order to allow development will accrue fines of \$10,000 per housing unit.
- **AB-678:** The Housing Accountability Act prohibits a local agency from disapproving, or conditioning approval a housing development project for very low, low, or moderate-income, or an emergency shelter unless specified written findings based upon substantial evidence in the record are made.
- **AB-1515:** This bill would specify that a housing development project or emergency shelter is deemed consistent with an applicable plan, program, policy, etc. similar if there is substantial evidence that would allow to conclude that the housing development project is consistent.
- **AB-72:** Gives the State housing department more authority to investigate cities that do not follow their housing plans and refers cases to California's attorney general for possible legal action.

STAFF WILL RETURN TO CITY COUNCIL IN NEXT 6 MONTHS WITH PROPOSED HOUSING POLICIES THAT ADDRESS AFFORDABILITY AND CONSISTENCY WITH STATE LAWS



2 Land Use

- The plan will continue to focus on encouraging a variety of land uses:
 - Mixed uses help to encourage more local services, jobs and places of business and allows the market to decide best use.
 - This amendment continues to allow for all previously allowed uses.
 - The form of the buildings and FARs are more important than dictating the preferred land uses or percentages of mixed uses.

Downtown Specific Plan Amendment Goals and Objectives



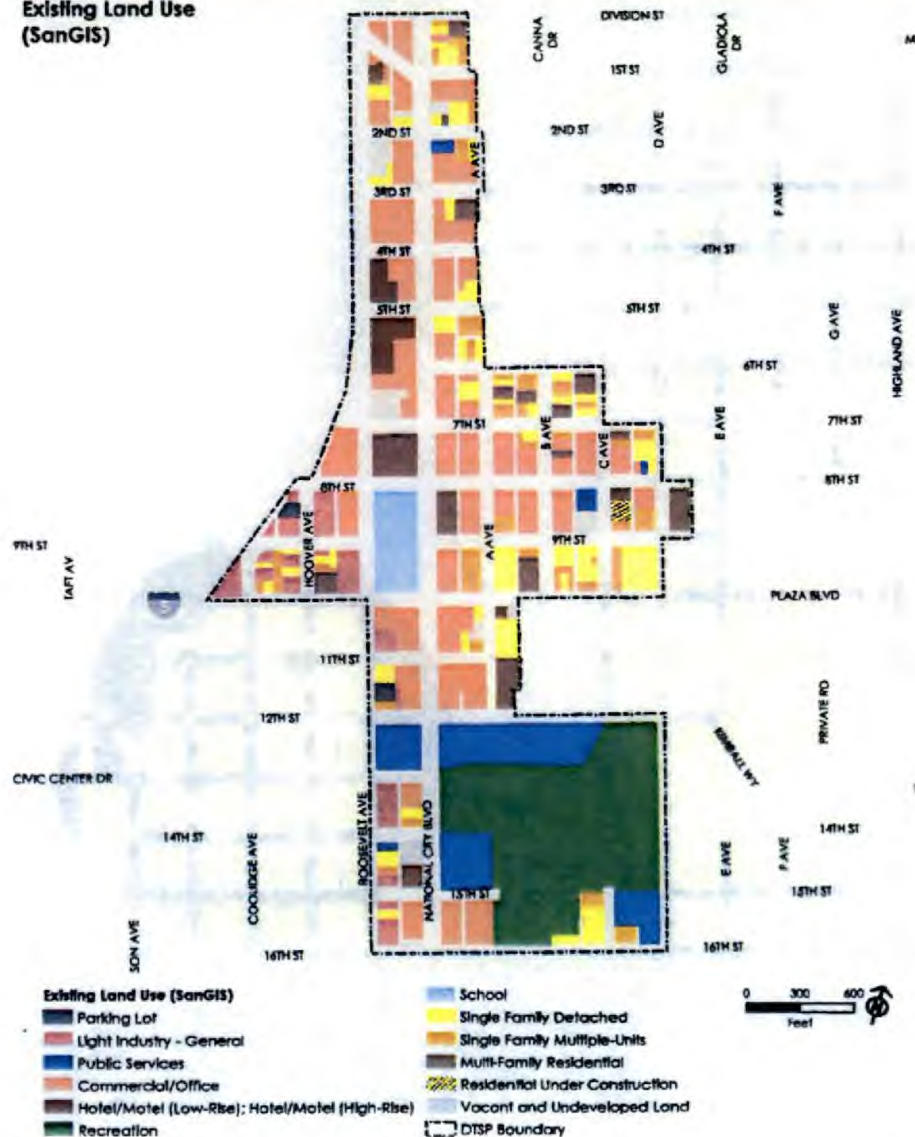
Land Use and Urban Design Objectives

- Update land use and zoning to better accommodate the previously adopted allowance of 5,200 additional residential units
- Adopt a process for density transfer if public amenities or unique buildings are reused
- Create consistency with state laws density bonus applied to transit areas and ministerial processing requirements

Existing Land Uses

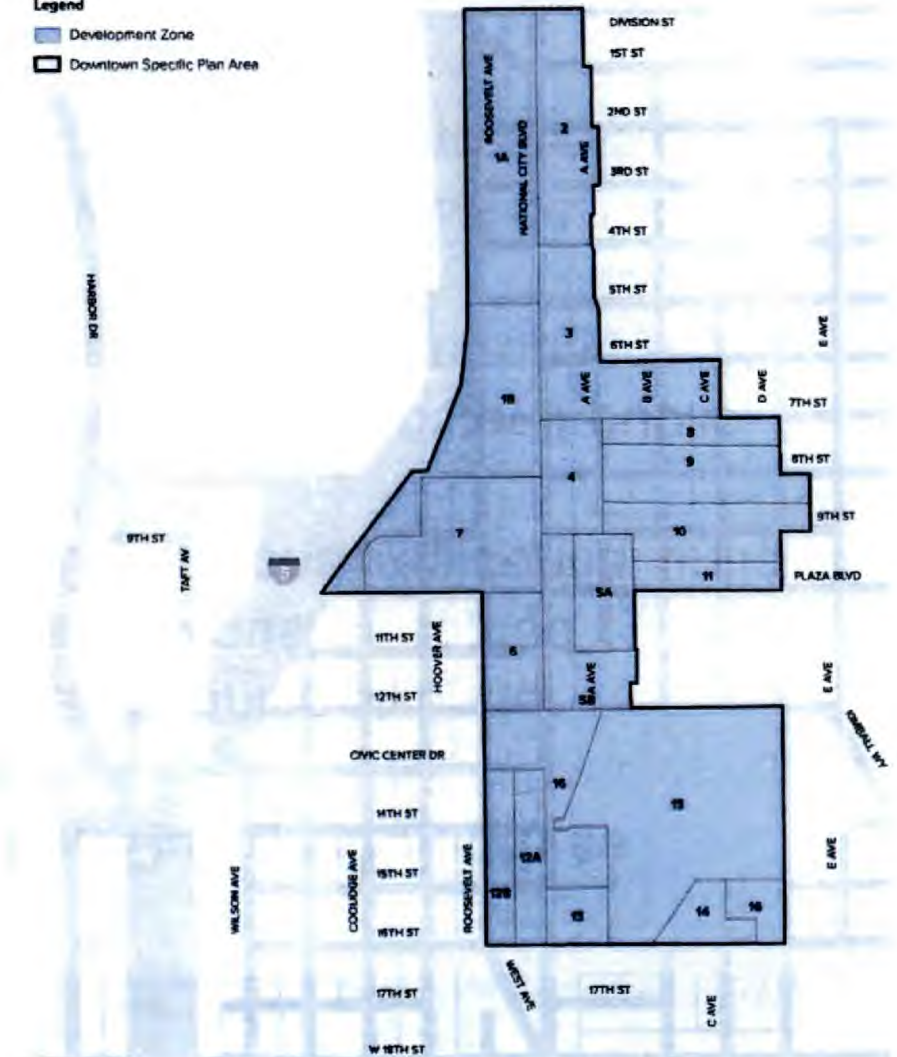
Existing/Proposed Development Zones

Existing Land Use
(SanGIS)



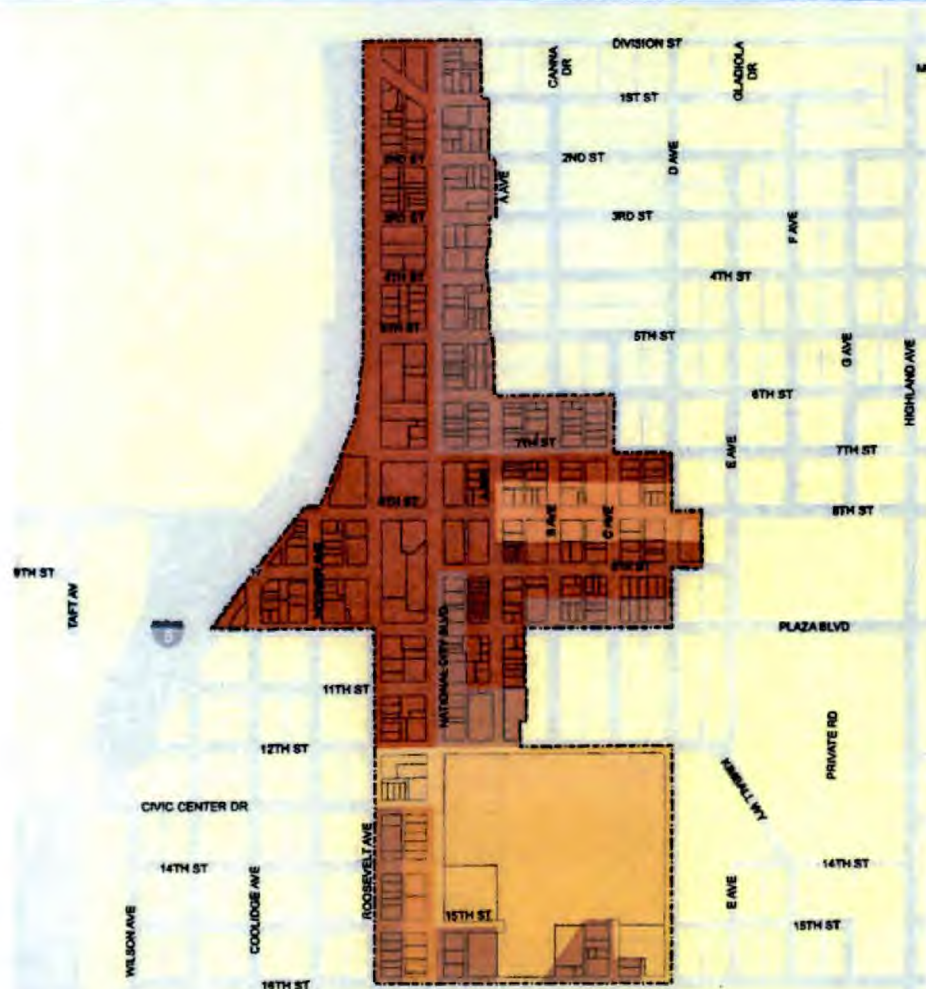
Legend

- Development Zone
- Downtown Specific Plan Area



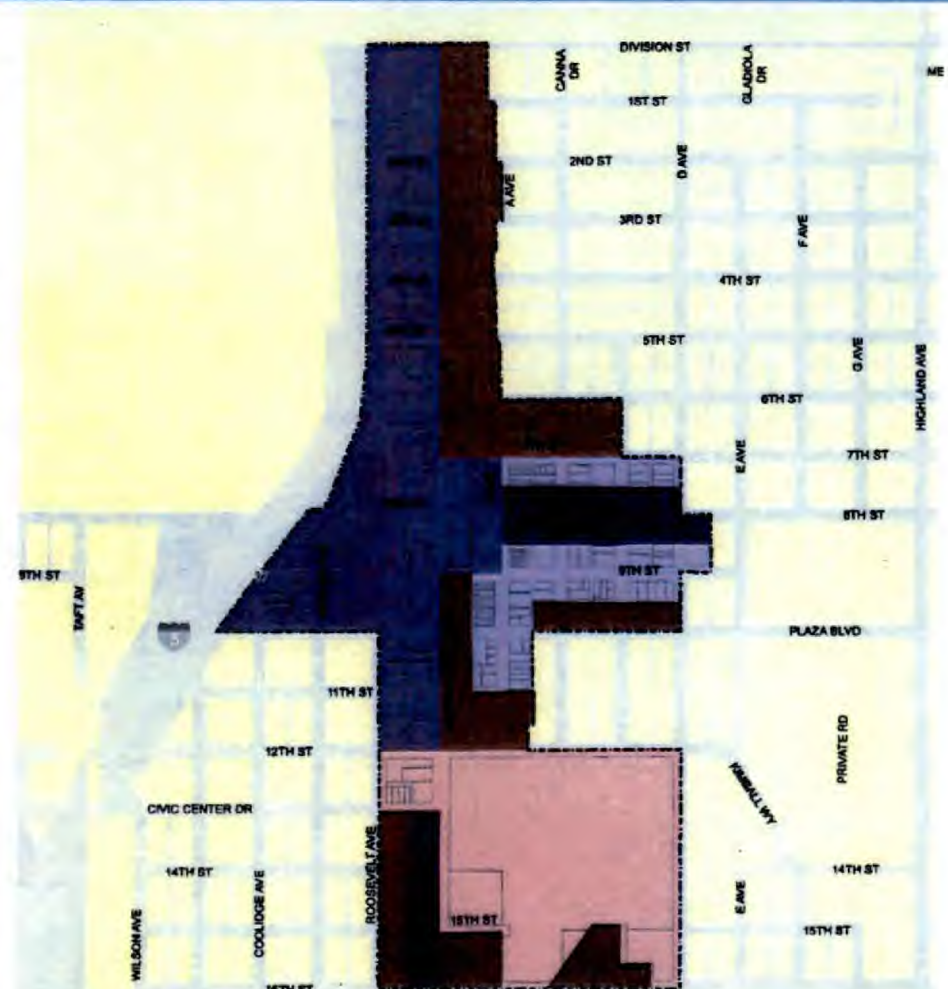
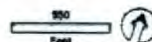
Minimum Floor Area Ratios

Maximum Floor Area Ratios



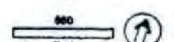
Range from 0-3 FAR

- DTSP Boundary
- Parcels
- Minimum FAR
- 0
- 2.5:1
- 2:1
- 3:1

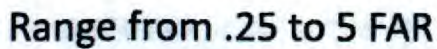


Range from 3-6 FAR

- DTSP Boundary
- Parcels
- Maximum FAR
- 0
- 3:1
- 4:1
- 5:1
- 6:1



Existing Floor Area Ratios



Transitional Residential Areas & Adaptive Reuse of Older Buildings

Property Types



Property Types

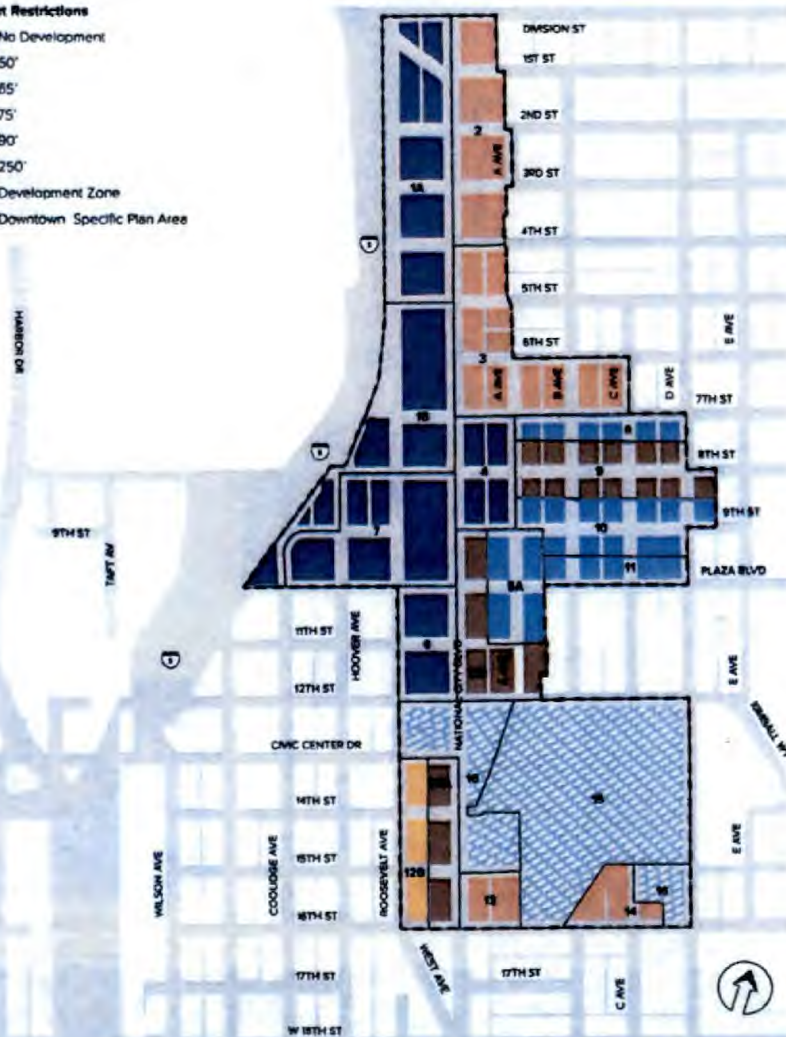
- Single Family Neighborhood - Various Levels of Intactness
- Storefront Main Street Buildings
- DTSP Boundary

- Single family homes need adjacent transitions of land use, form, height and intensity;
- Historic structures and “Main Street Type” character buildings, should be allowed a transfer of development rights; and
- “Main Street Type” character buildings should be allowed a development bonus for adaptive reuse that preserves “Main Street” character while meeting minimum FAR & urban design guidelines.

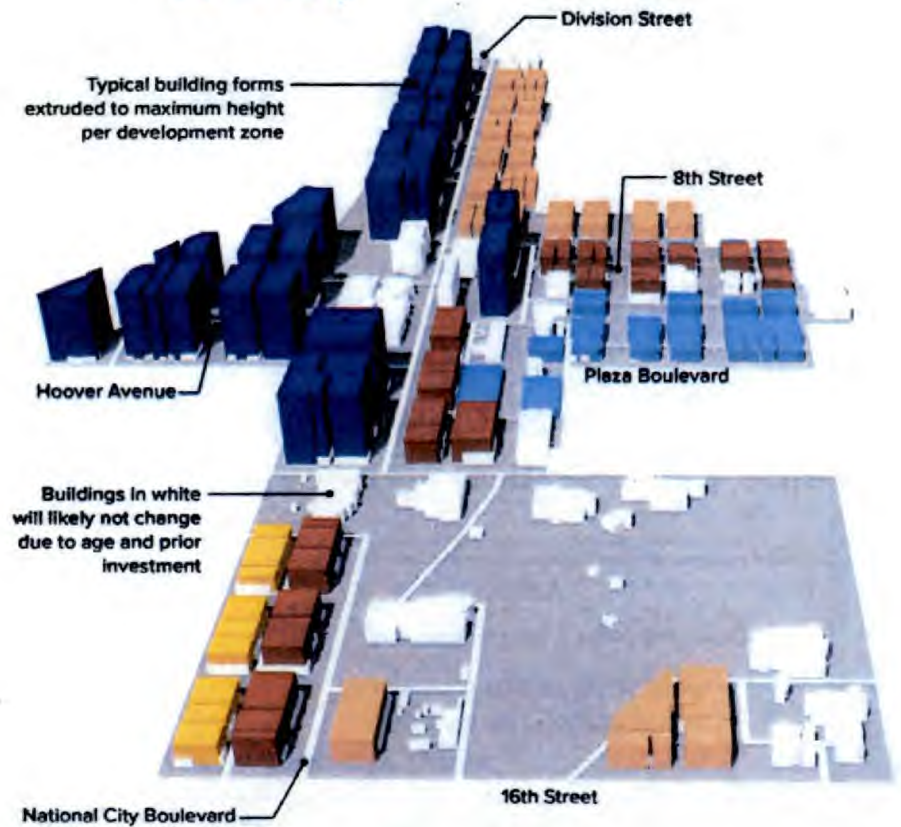
Proposed Height Restrictions

Height Restrictions

-  No Development
-  50'
-  65'
-  75'
-  90'
-  250'
-  Development Zone
-  Downtown Specific Plan Area



(1a, 1b, 4, 6 & 7 defined as 250' / 8, & 10 increased from 35' – 50')



Development Scenarios- Building Typology

5 Floors (Type 3 Construction) on 3 floors of Podium Parking with Retail Wrap - 85' tall for 8 floors



10 Floors (Type 1 Construction) on 4 Floors Podium Retail Front / Parking- 165' tall for 14 floors



15 Floors (Type 1 Construction) on 3 levels of Podium Parking (+1 underground) with Ground Floor Retail Wrap - 185'-250' tall for 17 – 23 floors



Development Scenarios- Building Typology Heights (8, 14 & 17 floors)

8 stories (85')
counting 3 stories
of parking podium



**Allowed in 1a, 1b,
4, 5b, 6, 7 & 9**

14 Stories (165')
counting 4 stories
of parking podium



**Allowed in 1a,
1b, 4, 6 & 7**

17 Stories (185') with
wrapped or
underground parking



**Allowed in 1a,
1b, 4, 6 & 7**



3 Parking

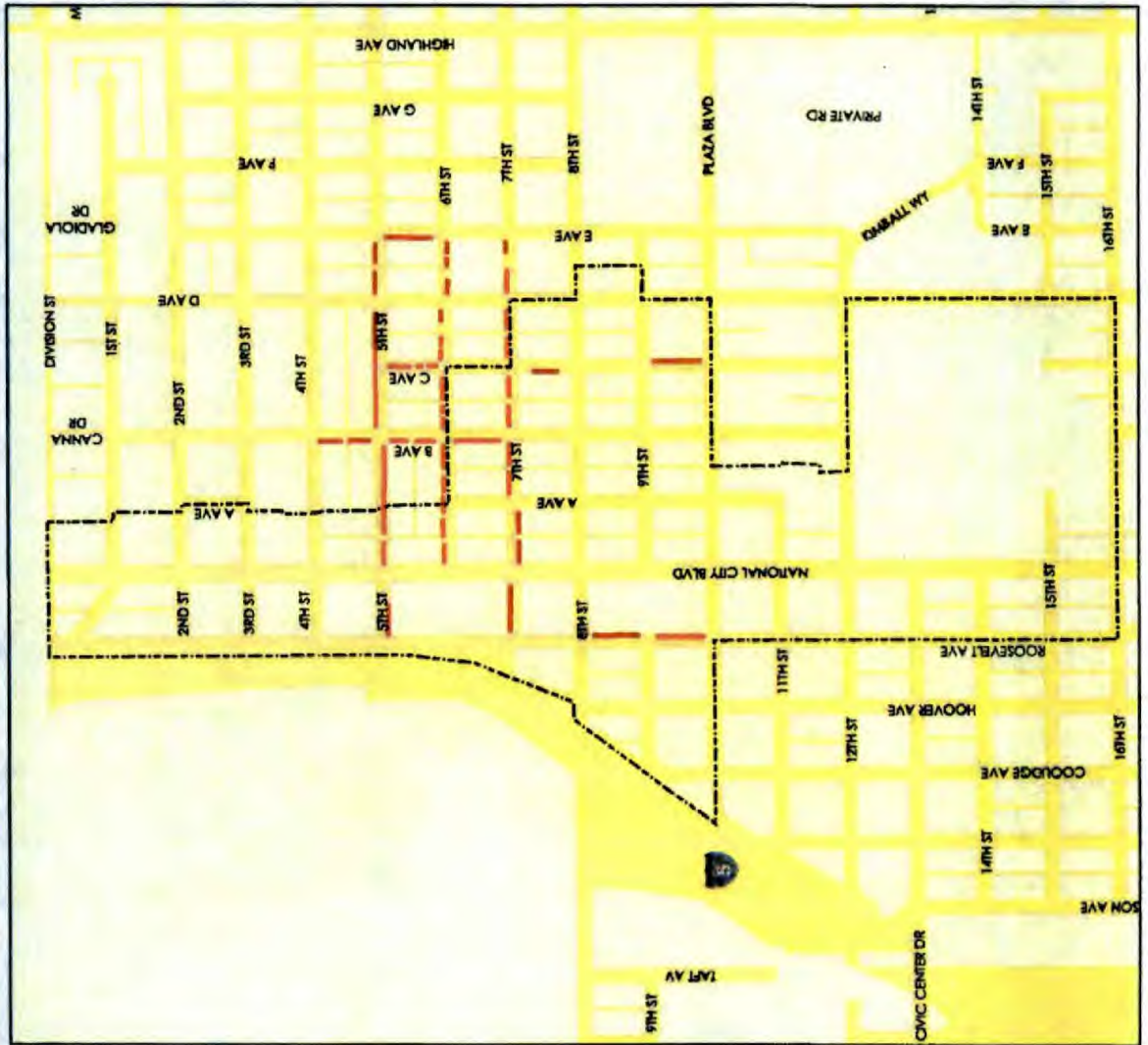
- Supports and encourages mixed-use, compact development.
- Plans for Future Growth and Parking Demand.
- Creates flexible recommendations that encourages innovation, recognizes trends, builds partnerships, assures feasibility and provides increased management to limit parking impacts.
- Recommends short, mid, and long term solutions.

Parking Action Plan

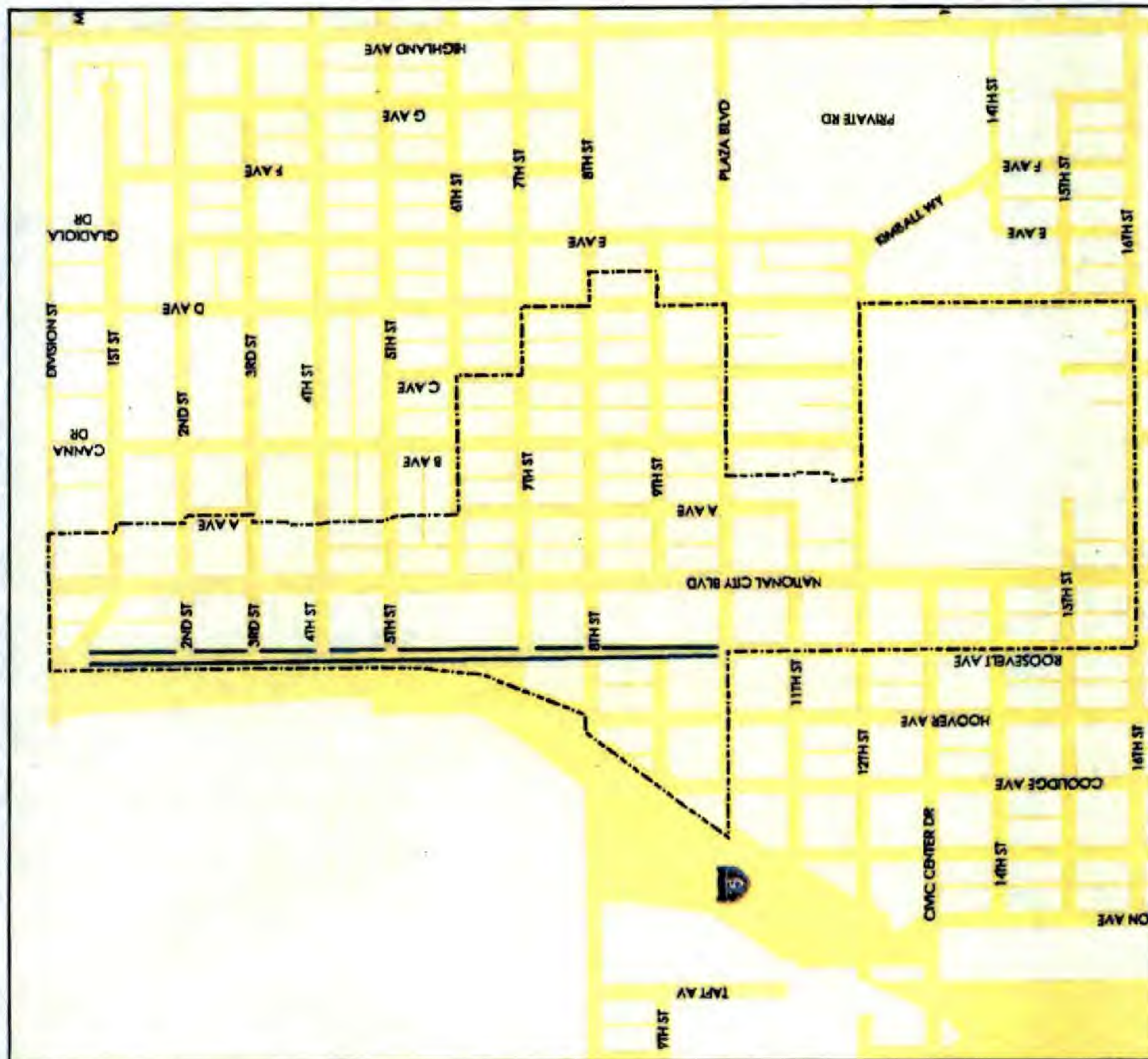


- Approved by City Council on June 20, 2017 to initiate the first phase of parking management implementation for Downtown National City
- Designed as a two-year parking pilot program that considers unique local conditions and national best practices
- Parking Management Strategies to enhance parking enforcement, capacity and utilization:
 - New enforcement technologies
 - Online permit parking system
 - Conversion of parallel parking to angled parking
 - Single space parking meters

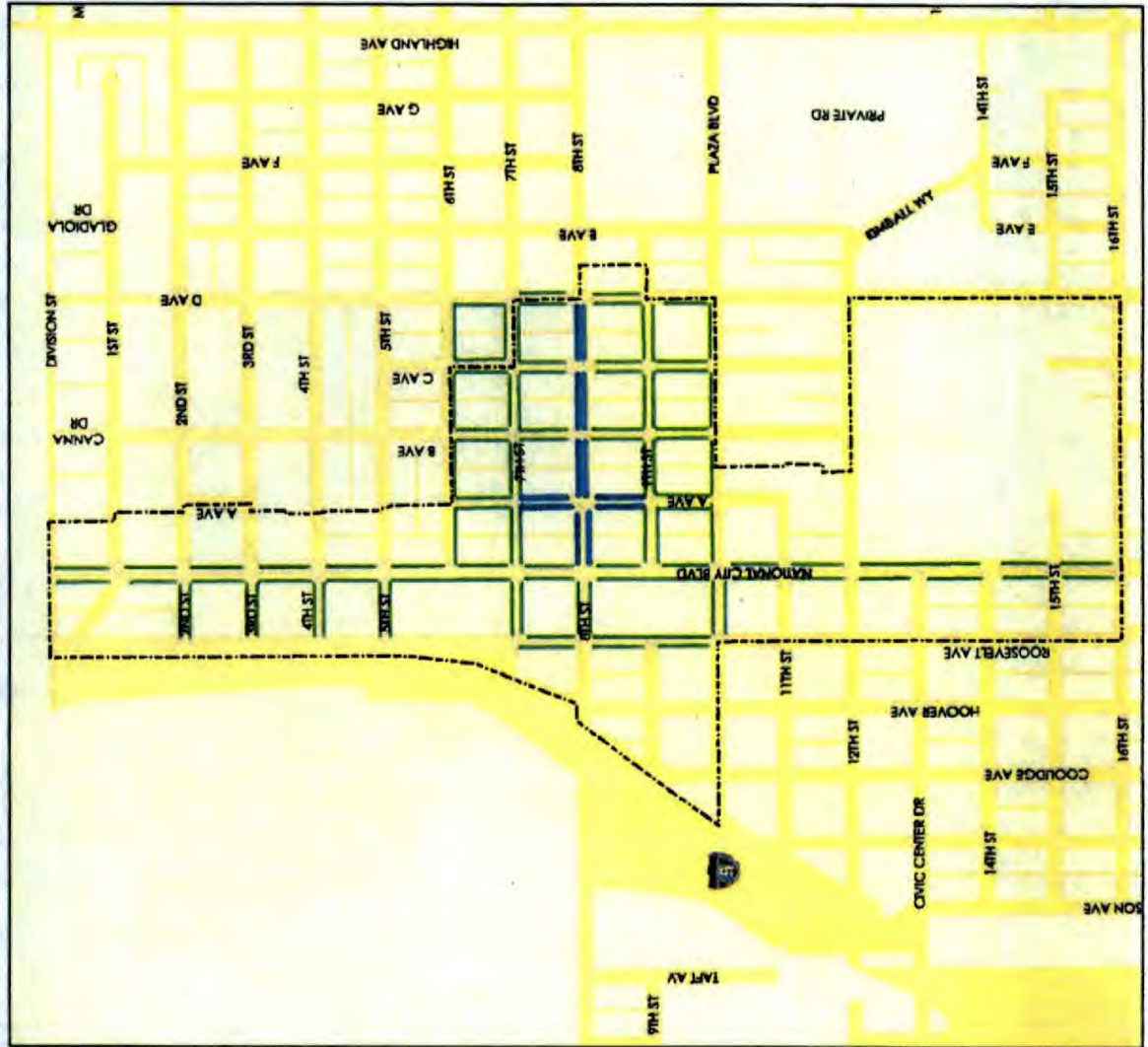
Locations for Conversion of Parallel Parking to Angled Parking

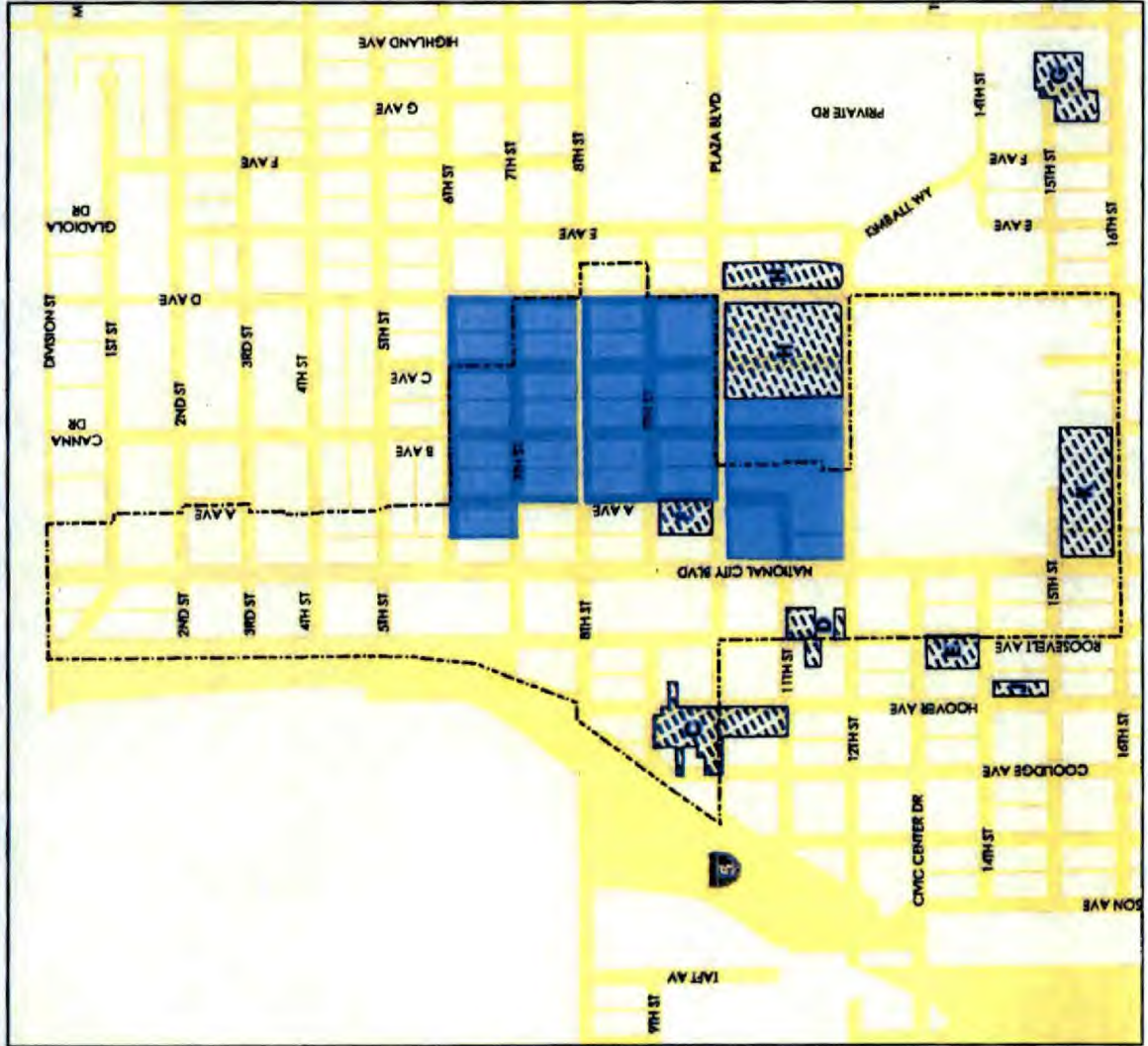


Locations for Oversized Vehicle Parking Prohibitions



Locations for Single Space Parking Meters & Time Restricted Parking





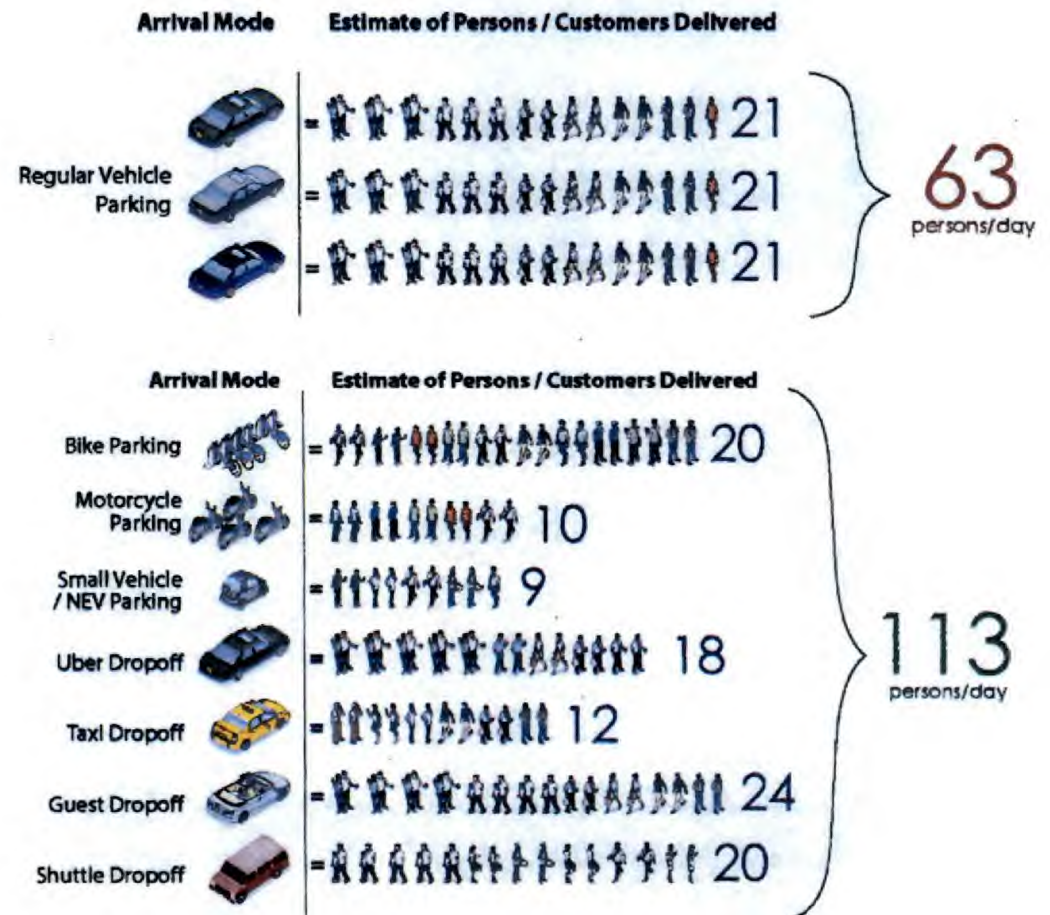
Parking Management Implementation

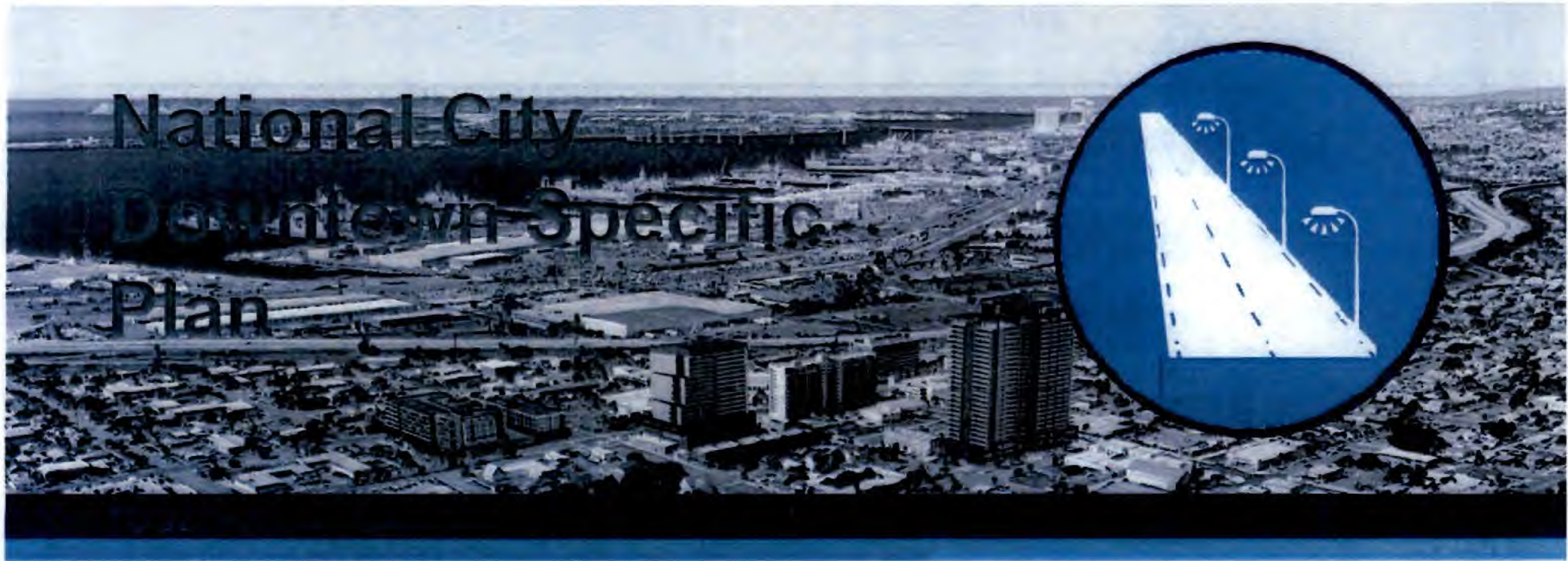
| Phase 1 (1-3) Years | Phase 2 (3-5 Years) | Phase 3 (5-20 Years) |
|--|---|---|
| Review enforcement program and ensure consistent enforcement | Transition to digital permitting | Add parking availability signage |
| Invest in enforcement technology | Complete angled parking conversion | Establish In-lieu fees |
| Implement online permit management system | Implement active monitoring | Continue active monitoring |
| Begin converting parallel parking to angled parking | Enhance enforcement | Plan infrastructure for autonomous vehicles |
| Review restrictions & fines | Implement parking/transit shuttle system | Implement shares parking |
| Establish parking bonus system for off-street parking/shared parking | Create parking manager position | |
| Reform off-street requirements | Initiate and refine the parking bonus system | |
| Establish paid parking | Integrate parking updates into budget | |
| Expand residential permit zones | Establish a downtown parking benefit district | |
| Implement oversized vehicle parking restrictions | Invest revenue | |

Parking Trends Considered

- Land use policies should consider 10-minute walking / biking neighborhoods and overall driving distances in order to reduce vehicle miles traveled.
- Focus on “park once / visit many destinations” planning philosophies.
- Autonomous vehicle’s will affect on roadway capacity & parking resources.
- Drop of zones for rideshare / shuttles / autonomous car drop-offs are needed.

Smart Parking Example





4 Circulation

- Circulation Changes are focused on:
 - Community Corridors
 - Alternative Transportation Modes including Walking, Biking, Transit and Shuttle
 - Proposed Improvements are Focused on Roosevelt Avenue and 8th Street

Street Functions and Focus

NATIONAL CITY DOWNTOWN SPECIFIC PLAN



Vehicular
Through
Movements



Transit
Support



Improved Bike
Access



Improved
Walking
Environments



Major Traffic
Calming



Major Street
Trees



Storm Water
Innovations



Commercial
Support /
Parking

Sample Streets

| STREET FUNCTION & FOCUS: | | | | | | | | | Sample Streets |
|---------------------------------|---|---|---|---|---|---|---|---|---------------------------|
| STANDARD ROAD CLASSIFICATIONS | | | | | | | | | |
| ARTERIAL | ✓ | ✓ | | | | | ✓ | | Plaza Blvd. East of NCB |
| COLLECTOR | ✓ | ✓ | ✓ | | | | | | "D" Avenue |
| LOCAL STREET | | | ✓ | ✓ | ✓ | | | | 9th Street |
| COMMUNITY CORRIDORS | | | | | | | | | |
| GREEN STREETS | | | ✓ | ✓ | ✓ | ✓ | ✓ | | "A" Avenue |
| MULTI-MODAL STREETS | | | ✓ | ✓ | ✓ | | | | Hoover |
| COMMERCIAL MAIN STREETS | | ✓ | | ✓ | ✓ | ✓ | | ✓ | 8th / National City Blvd. |
| MAIN STREET PARK & WALK STREETS | | | | ✓ | ✓ | | | ✓ | Roosevelt |

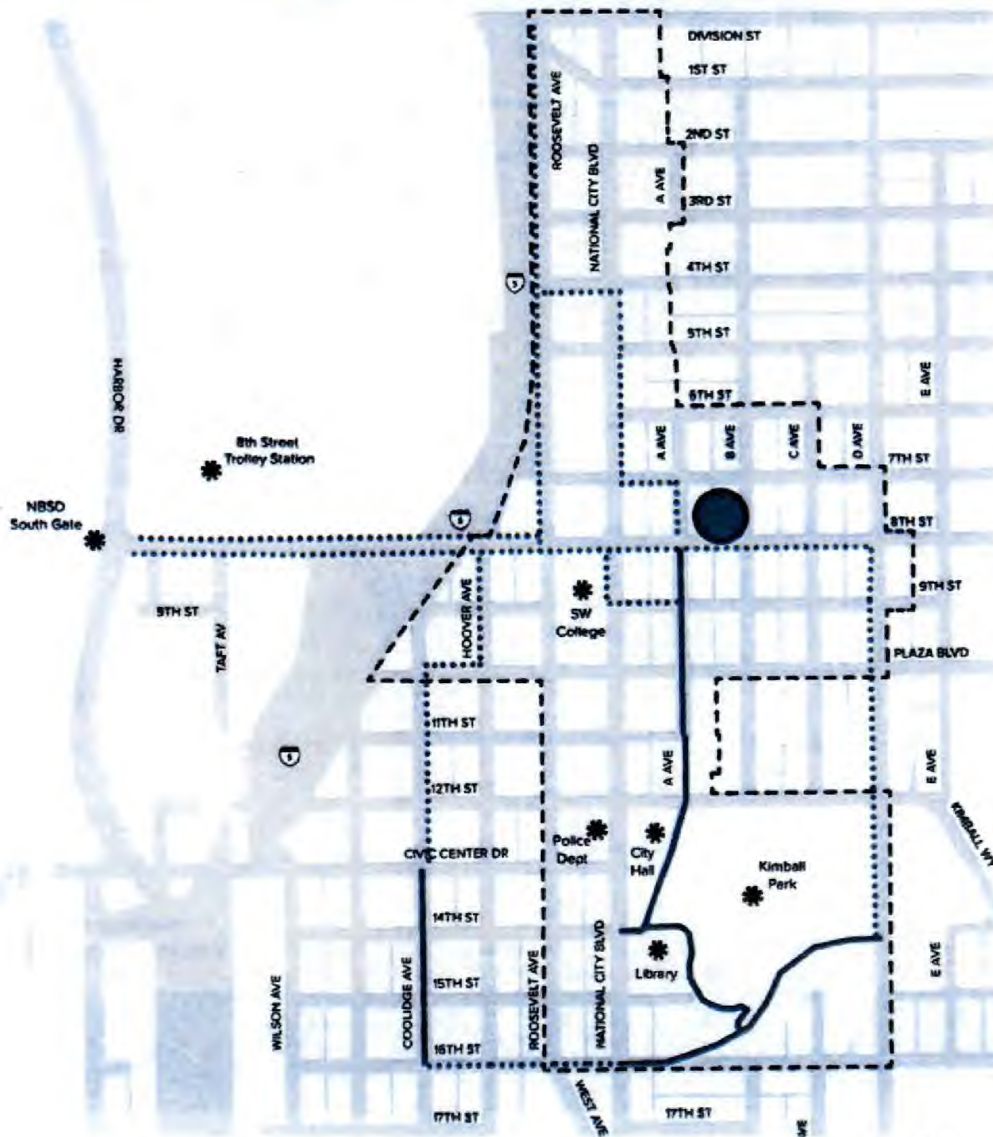
Street Classification – No Changes



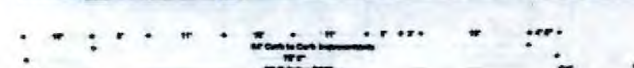
Community Corridors- Additions and Sub-Categories



-  **Main Street (8th Street)**
-  **Commercial Street (National City Blvd.)**
-  **Multi-Modal Street (Roosevelt)**
-  **Green Street / Urban Trail ("A" Avenue)**



3D rendering of a multi-use trail with parallel parking. The scene shows a road with a crosswalk, a parking area with several cars, and a trail with trees and a building in the background.



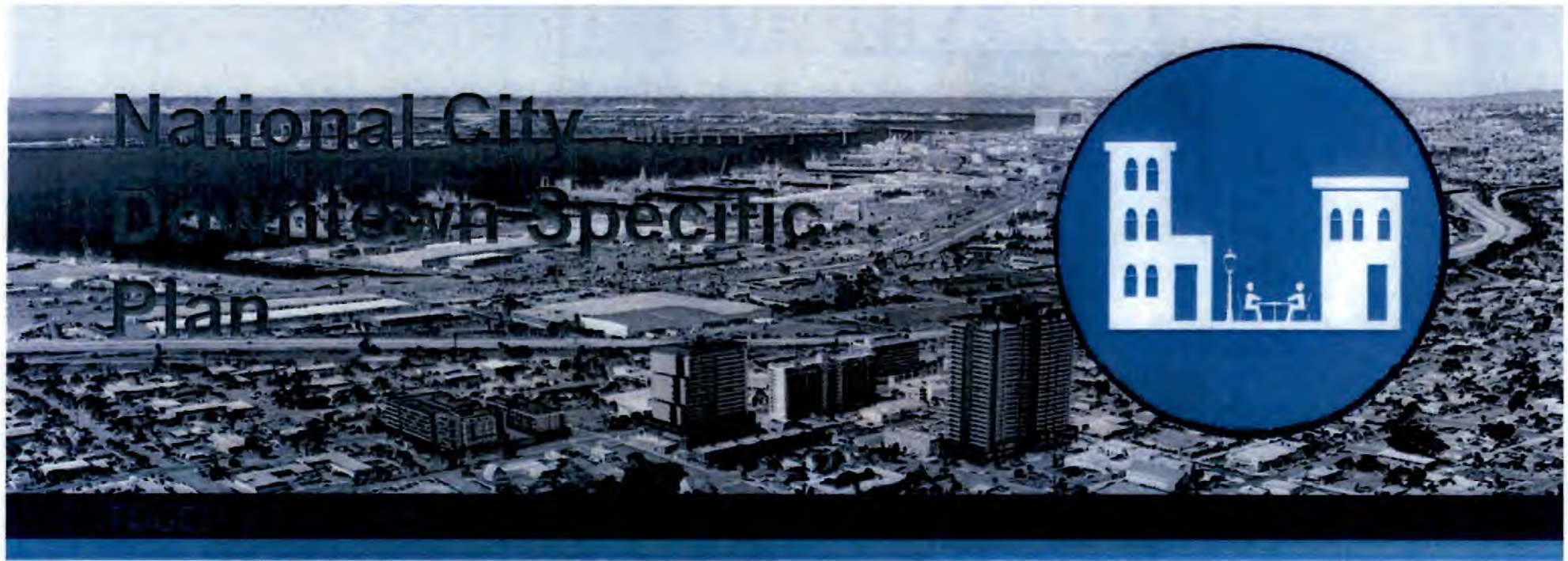
Prosecco Looking South

1. Harbor At 9th Street Intersection Looking East

Circulation Improvements



- Main / Division / National City Blvd.**
New Signal & Intersection Reconfiguration
(with City of San Diego Partnership)
- North & Central Roosevelt Avenue**
Bike, Pedestrian, Parking & Shuttle Improvements
- Roosevelt Avenue & 8th Street Intersection**
Bulb-outs & Enhanced Crosswalks
- Hoover & 8th Street Intersection**
Signalization, Bulb-outs & Enhanced Crosswalk
- I-5 Southbound Off-ramp**
"T" Intersection, Signals, Bulb-outs & Crosswalk
(with Caltrans Partnership)
- Harbor Drive and 8th Street**
"T" Intersection, Signals, Bulb-outs & Crosswalk
(with Port / Navy Partnership)
- South Roosevelt Avenue**
Bike, Pedestrian, Parking & Shuttle Improvements
(Southwestern Community College Partnership)



5 Design Guidelines

- Design Guidance is provided for:
 - Building Design (private building improvements)
 - Public Realm on Private Property
 - Public Realm in Public Right of Way

Urban Design Districts and Guidelines



DOWNTOWN DISTRICTS



Main Street District



Downtown Visitor & Education District



General Commercial District



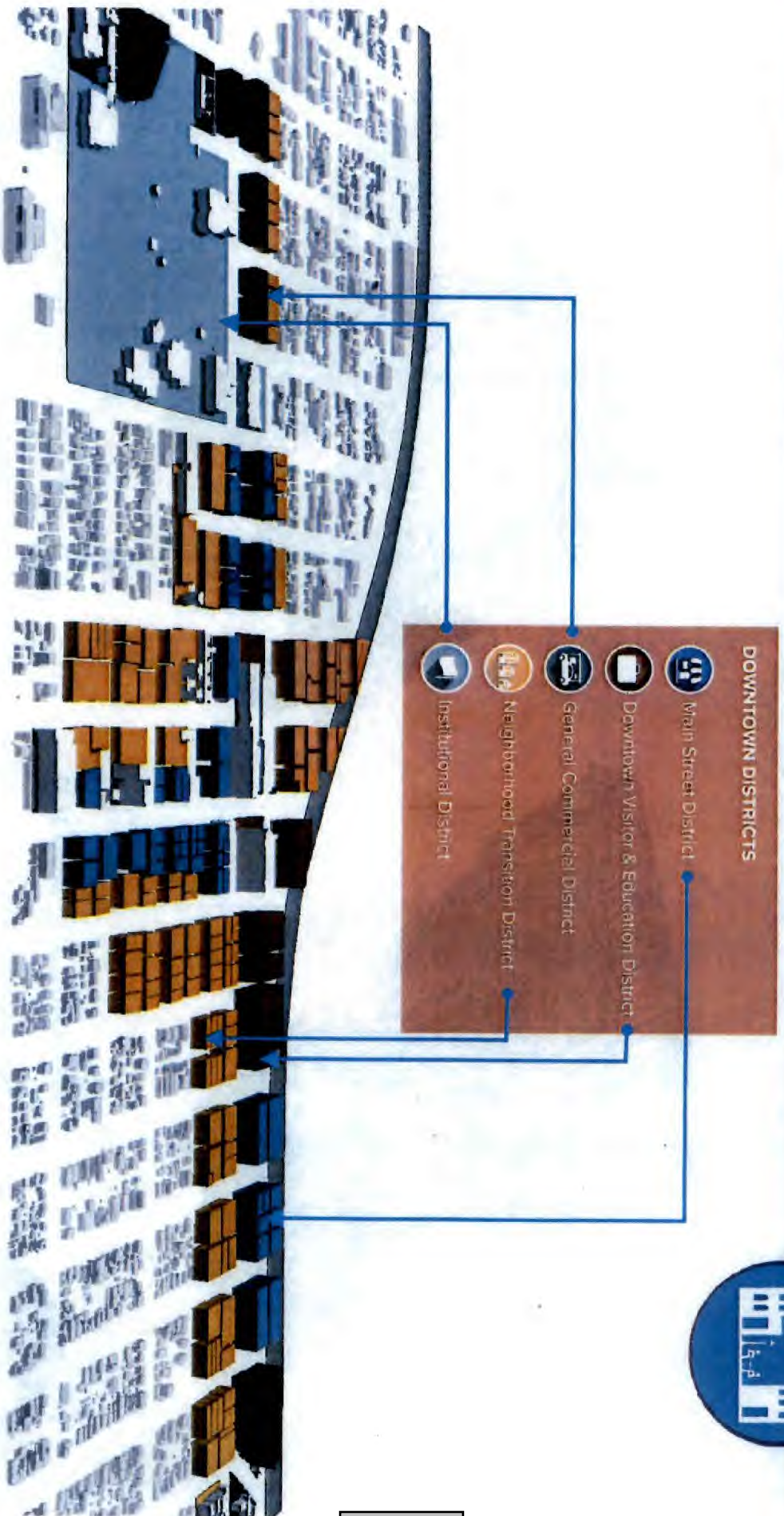
Neighborhood Transition District



Institutional District



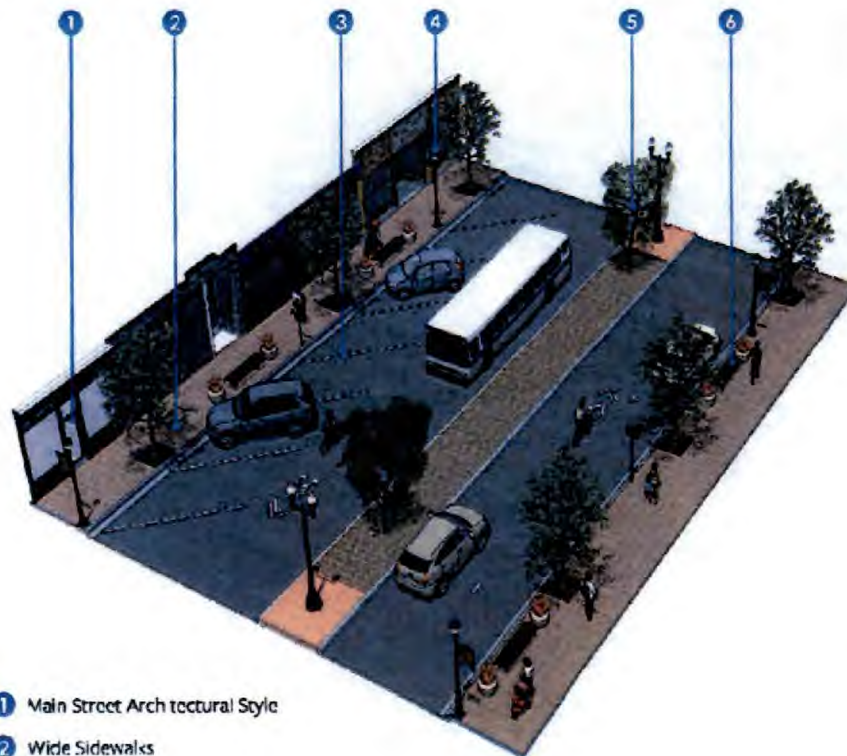
Design Districts and Urban Form



"Main Street" District Guidance

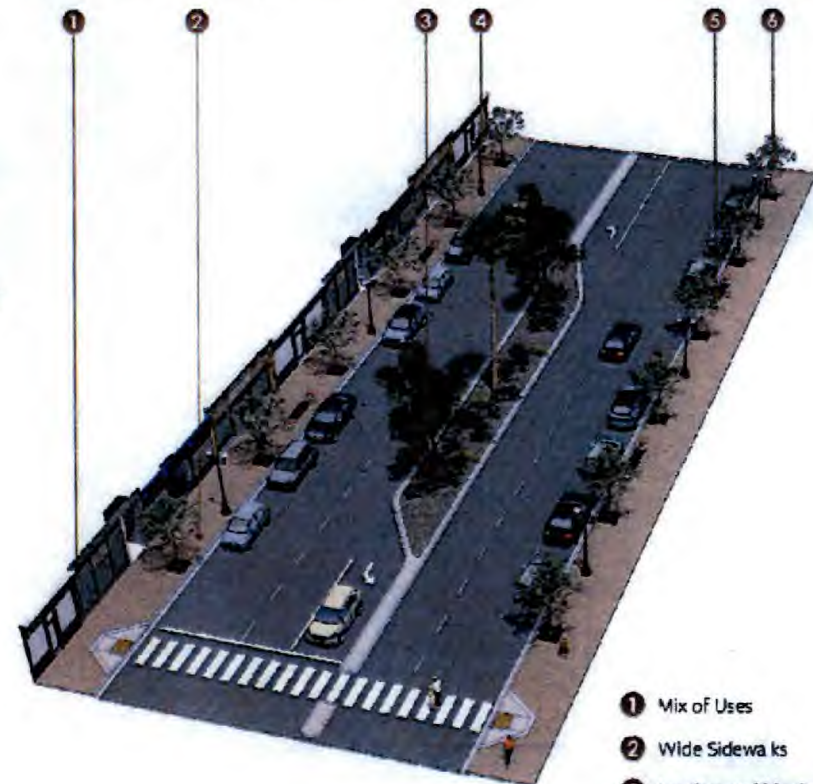


8th Street



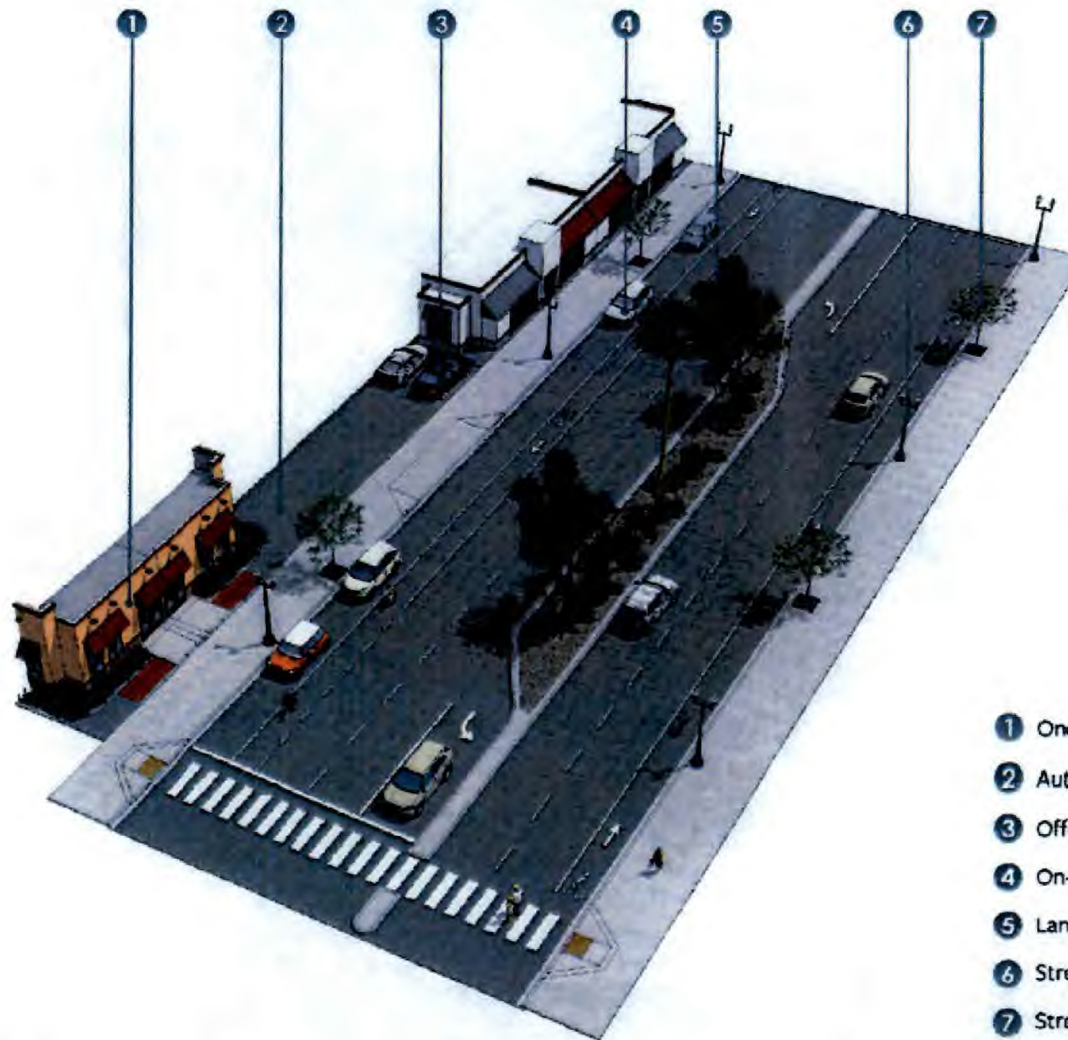
- 1 Main Street Architectural Style
- 2 Wide Sidewalks
- 3 Angled Parking
- 4 Street Lighting
- 5 Street Trees in Tree Grates
- 6 Urban Furnishings and Seating Area

National City Boulevard



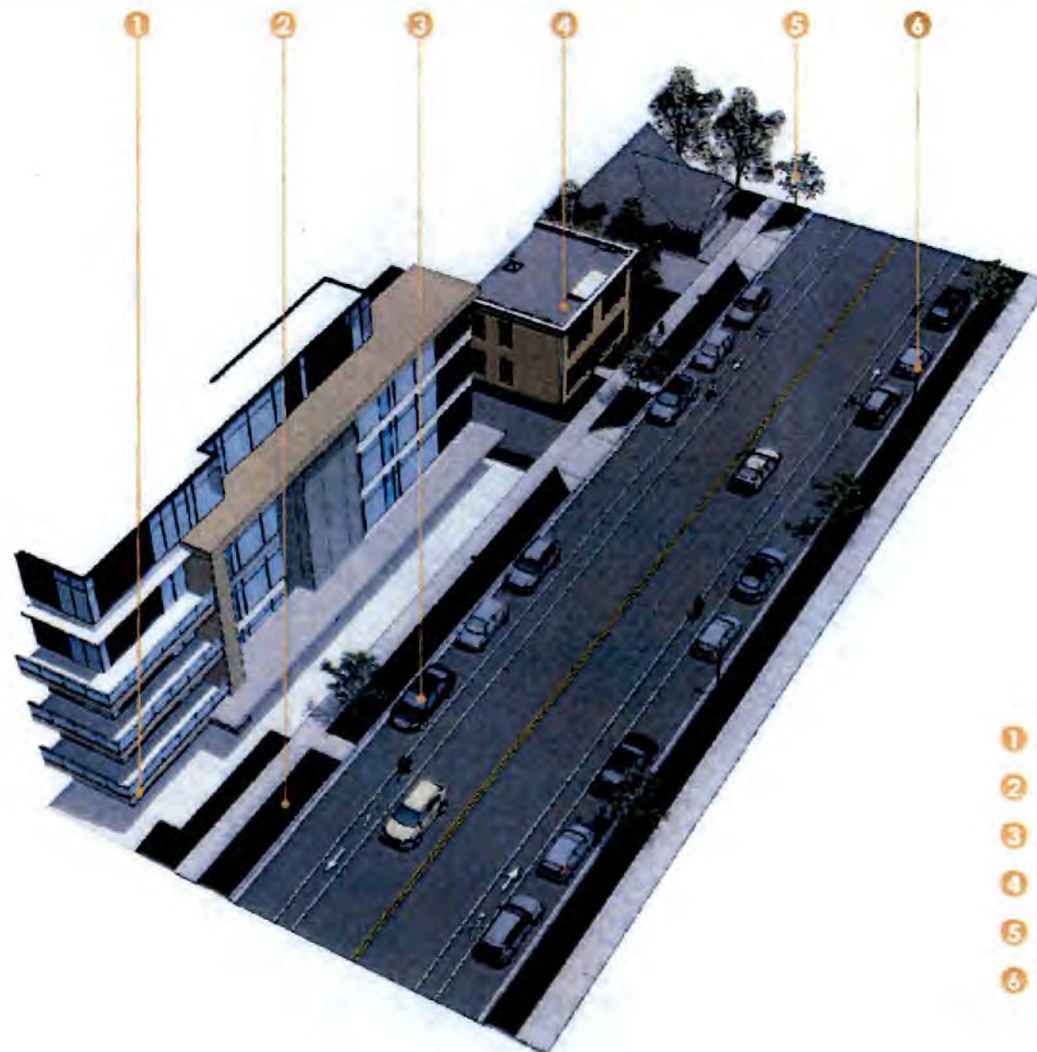
- 1 Mix of Uses
- 2 Wide Sidewalks
- 3 Landscaped Median
- 4 Street Lighting
- 5 Urban Furnishings and Seating Area
- 6 Street Trees in Tree Grates

"General Commercial" District Guidance



- ① One to Three-Story Commercial Buildings
- ② Auto-Accommodating Development
- ③ Off-Street Parking
- ④ On-Street Parking
- ⑤ Landscaped Median
- ⑥ Street Lighting
- ⑦ Street Trees

"Neighborhood Transition" District Guidance



- ① Mix of Uses with Emphasis on Residential
- ② Parkway
- ③ On-Street Parking
- ④ Medium to Low Density Transitions
- ⑤ Street Trees
- ⑥ Street Lighting

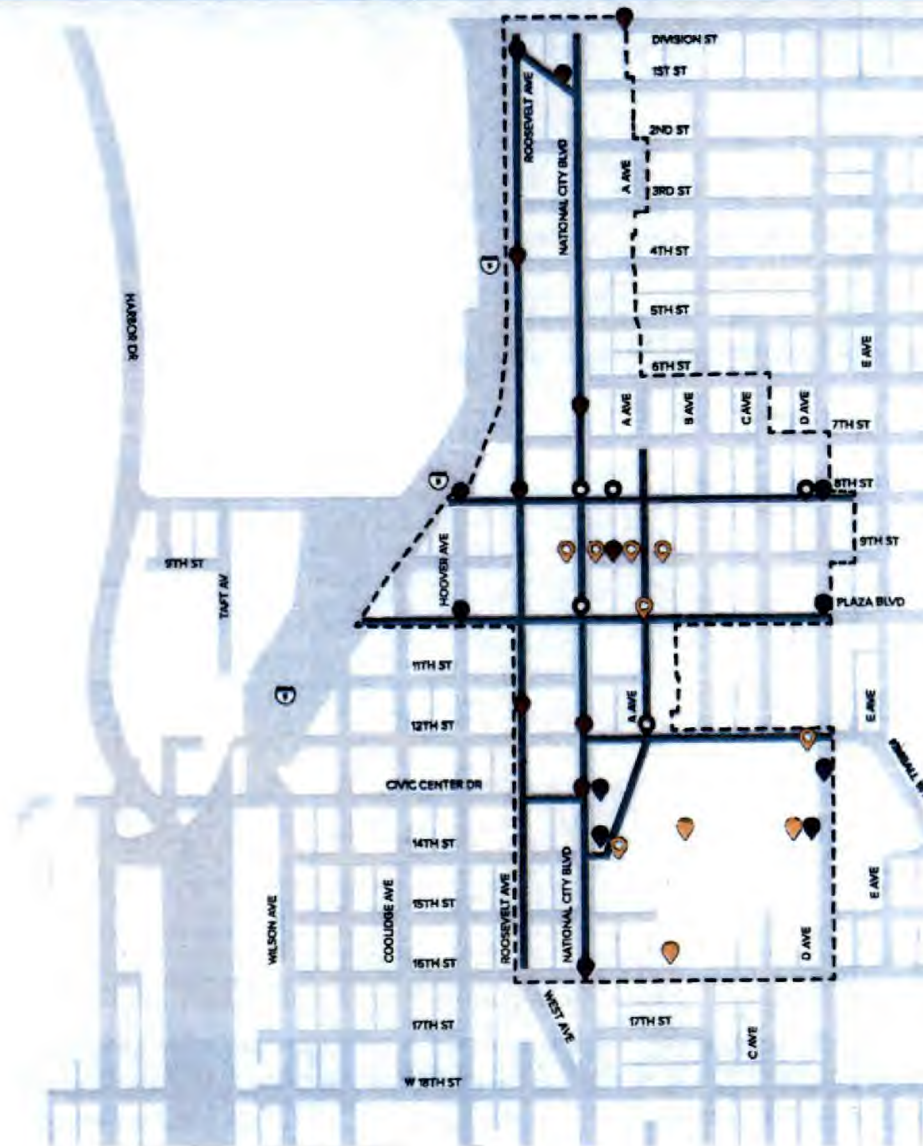
Street Segment Design Treatments



| Streetscape Design Segments | | | Design Guideline District | | | | |
|----------------------------------|---------------------|--------------------------------------|---------------------------|---------------|------------------------|-------------------------|-------------|
| Symbol | Street | Limits | Major City / Urban Center | Urban Village | Traditional Commercial | Neighborhood Commercial | Core Center |
| Main / Commercial Streets | | | | | | | |
| | 8th St | National City Blvd. - D Ave. | ✓ | | | | |
| | National City Blvd. | Division St. - 2nd St. | | | ✓ | | |
| | National City Blvd. | 2nd St. - 12th St. | ✓ | ✓ | | | |
| | National City Blvd. | 12th St. - 16th St. | | | ✓ | | |
| Green Streets | | | | | | | |
| | 9th St. | A Ave. - D Ave. | ✓ | | | ✓ | |
| | A Ave. | 7th St. - National City Blvd. | ✓ | | | ✓ | ✓ |
| Multi-Modal Streets | | | | | | | |
| | 7th St. | Roosevelt Ave. - D Ave. | ✓ | ✓ | | ✓ | |
| | 8th St. | Hoover Ave. - National City Blvd. | | ✓ | | ✓ | |
| | Plaza Blvd. | Interstate 5 - D Ave. | | ✓ | | ✓ | |
| | 12th St. | Roosevelt Ave. - D Ave. | ✓ | | | ✓ | ✓ |
| | Civic Center Dr. | Roosevelt Ave. - National City Blvd. | | | ✓ | ✓ | ✓ |
| | Roosevelt Ave. | National City Blvd. - 16th St. | ✓ | ✓ | ✓ | ✓ | ✓ |
| | D Ave. | 7th St. - Plaza Blvd. | ✓ | | | ✓ | |



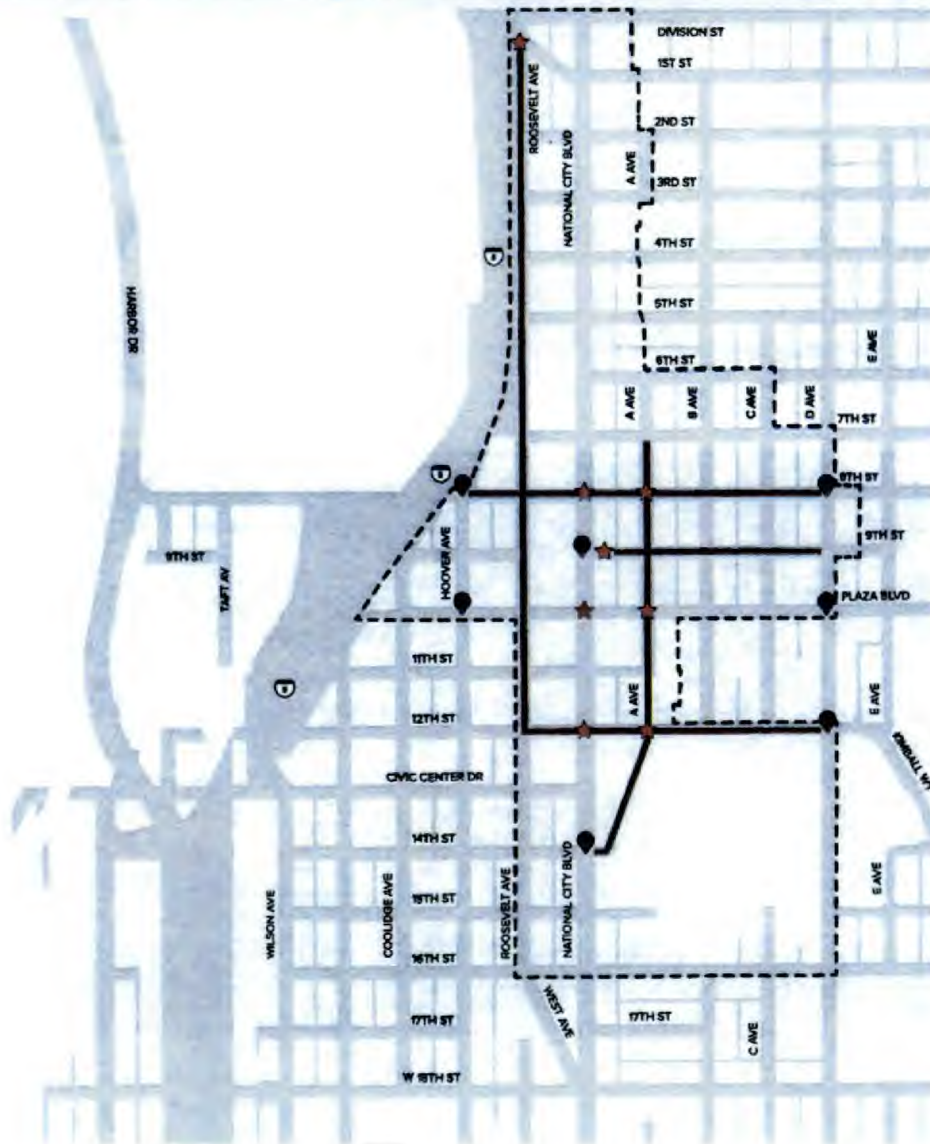
Wayfinding / Signage Guidance



Legend

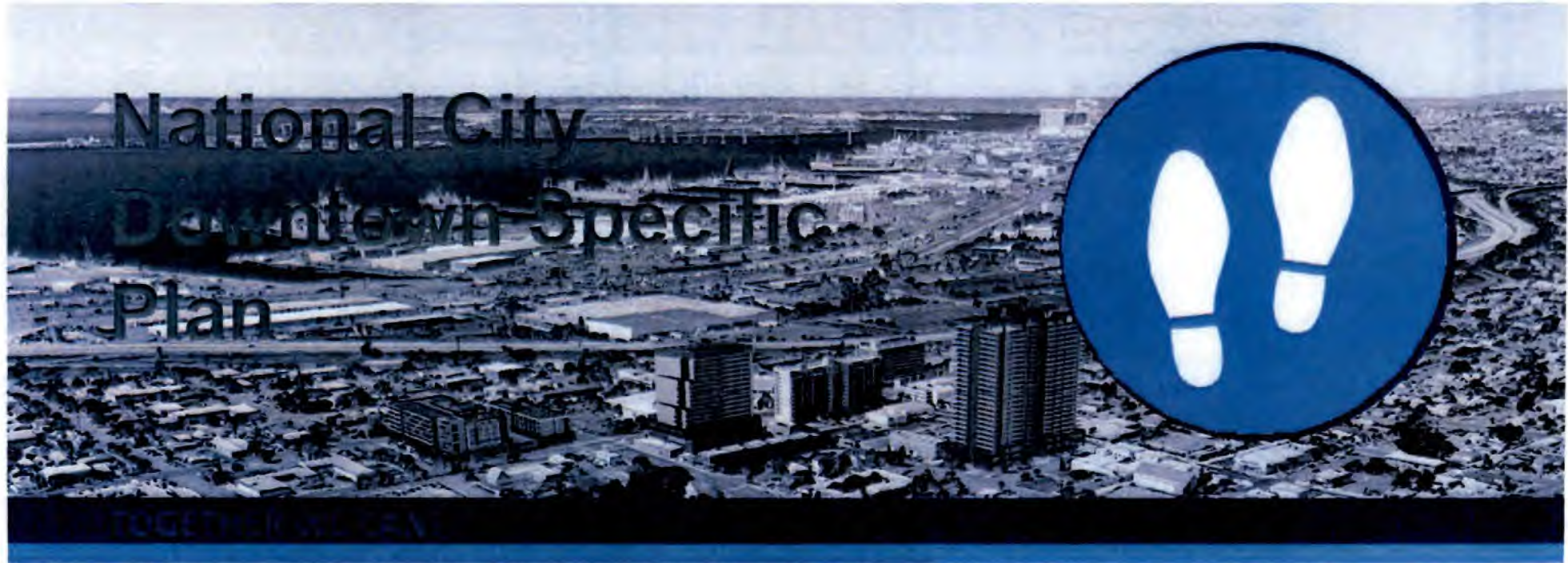
- Arrival Monument Sign (3 Proposed)
- Neighborhood Gateway Sign (7 Proposed)
- Street/Traffic Light Directional Sign (5 Proposed)
- Interpretive Sign (3 Proposed)
- Installed Sign (Symbol color varies)
- Wayfinding Banner Corridor
- Downtown Specific Plan Area

Public Art Guidance



Legend

- ★ Art Node
- Art Intersection
- Art Corridor
- - - Downtown Specific Plan Area



6 CEQA / Review Process

- Suggested Process Changes:
 - Allow for Transfer of Development Rights
 - Allow for Unit Bonus or Parking Reduction based on Developer Selected / Funded PTDM Choices
 - Identify 3 Levels of Project Review including Level 1 Ministerial Review
 - Suggest Staff / Department / Professional Review for Design Guideline Conformance



CEQA Review Process for the Amendment

- Project builds on existing 2005 Specific Plan & 2012 General Plan
- State legislation and CEQA guidance allows for using previous CEQA review
- Changes found in amendment analyzed by an initial CEQA checklist
- Only traffic had the potential of new impacts
- Supplemental traffic memo prepared indicated no new impacts with the implementation of proposed project elements, improvements and policies

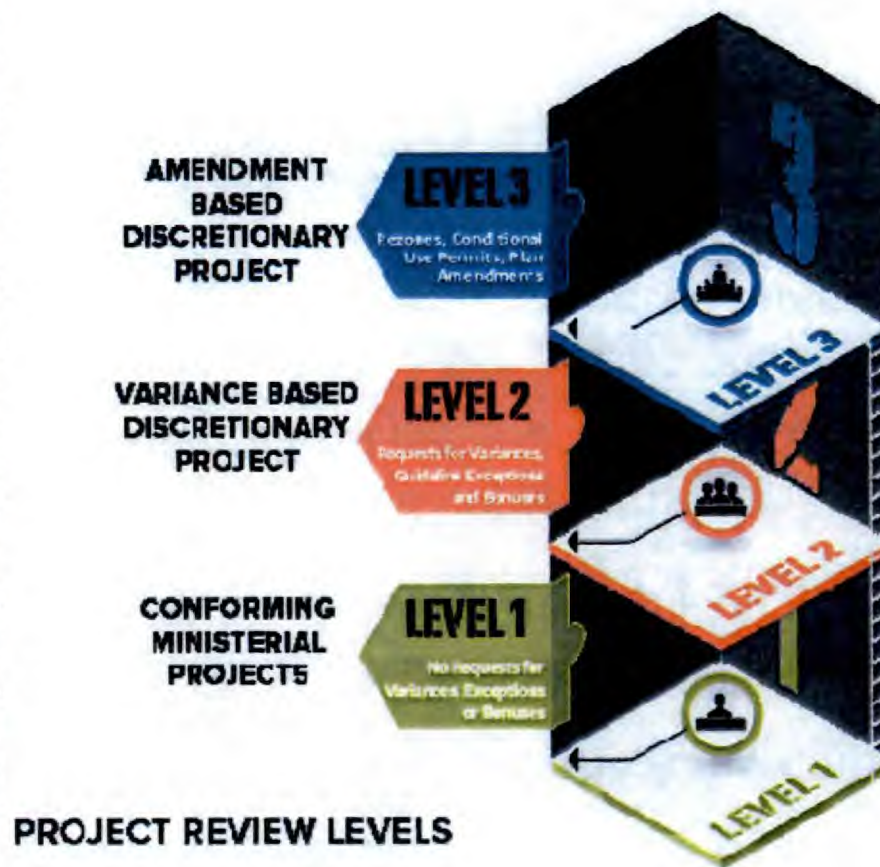
Traffic / Parking Control Mechanisms

- Adoption and implementation of the Parking Action Plan
- Integration of the density bonus / parking reduction PTDM element
- Requirement for traffic analysis if 5,500 units exceeded OR development zone units exceeded OR development transfer or any variance that would change standard parking requirement or trip generation of the project

Project Levels and Review Process



Increasing complexity, flexibility & potential impacts ↑



Overall Processing Goals:

1) Identify a ministerial review process.

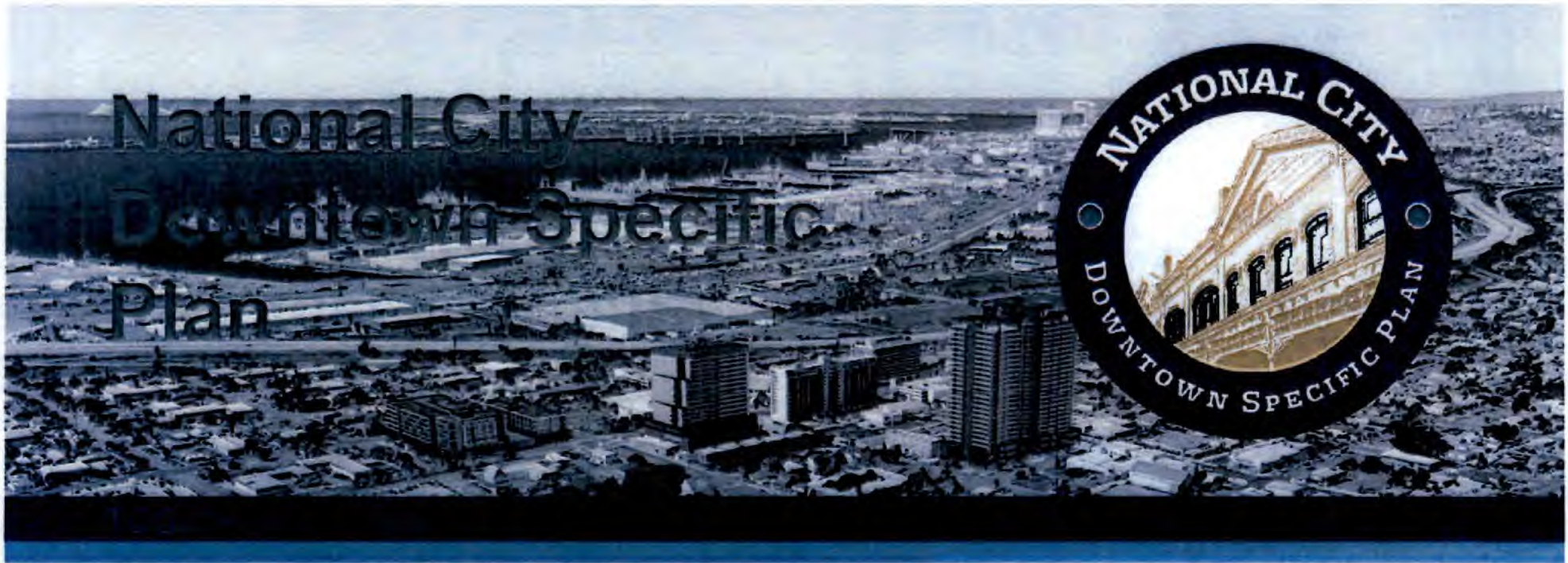
- Most developer's want to develop a ministerial process since discretionary adds substantial time, costs and lack of confidence in a final outcome.
- State affordable housing & companion unit legislation requires a ministerial process.

2) Offer efficient processing & CEQA review.

- Makes housing attainable & affordable by design.
- Attracts investment & delivery of needed housing
- State legislation allows for streamlined CEQA for infill projects in transit supported areas.

3) Protect neighborhood from impacts.

- Need parking management and enforcement.
- Require traffic analysis when exceeding standards.
- Establish transition zones near single family areas.
- Institute design guidelines and review process.



7 Action Item

Staff Recommendation:

Adopt the Ordinance amending the Downtown Specific Plan based on updated draft with Planning Commission recommendations.

National City Downtown Specific Plan Amendment



Together We Can!
Thank you for your input.



DRAFT DRAFT DRAFT
**MINUTES OF THE SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF NATIONAL CITY**

November 21, 2017

The Special Meeting of the City Council of the City of National City was called to order at 5:03 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Board members present: Mendivil, Morrison, Rios

Council / Board members absent: Cano, Sotelo-Solis.

Administrative Officials present: Dalla, Deese, Morris-Jones, Raulston, Stevenson.

OPEN SESSION

PUBLIC COMMENTS – None

CITY COUNCIL

1. Conference with Legal Counsel – Potential Litigation
Significant Exposure to Litigation under Government Code Section 54956.9(d)(4)
Two Potential Cases

Members retired into Closed Session at 5:04 p.m.

CLOSED SESSION

CITY COUNCIL

1. Conference with Legal Counsel – Potential Litigation
Significant Exposure to Litigation under Government Code Section 54956.9(d)(4)
Two Potential Cases

ADJOURNMENT

The next Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City to be held Tuesday, November 21, 2017 at 6:00 p.m. at the Council Chamber, National City, California.

City Clerk

The foregoing minutes were approved at the Regular Meeting of April 17, 2018.

Mayor

DRAFT DRAFT DRAFT

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION –
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY**

November 21, 2017

The Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City was called to order at 6:08 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Board members present: Mendivil, Morrison, Rios, Sotelo-Solis.

Council / Board members absent: Cano.

Administrative Officials present: Dalla, Deese, Denham, Duong, Manganiello, Morris-Jones, Parra, Raulston, Roberts, Rodriguez, Stevenson, Vergara, Williams, Ybarra.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC COMMENTS

Sunshine Horton, shared inspirational messages of hope and appreciation.

AWARDS AND RECOGNITIONS

**COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2017
(102-10-12)**

1. Presentation of the 2017 Circulate San Diego Momentum Award for a Healthy Community to Phase I of Paradise Creek Apartments. (Housing & Economic Development)

PRESENTATIONS

**COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2017
(102-10-12)**

2. 2017 Community Emergency Response Team (CERT) Academy Graduates. (Fire)
3. National City Police Department Body Camera Program Update. (Lt. Robert Rounds) (Police)
4. Presentation on Bicycle Sharing Program. (Colin McMahon - Lime Bike) (Engineering/Public Works)

INTERVIEWS / APPOINTMENTS

BOARDS & COMMISSIONS ADMIN (101-1-1)

5. Veterans and Military Families Advisory Committee. (City Clerk)
ACTION: Motion by Morrison, seconded by Mendivil to appoint Talisin Burton, Shirley Ferrill, Darnisha Hunter, Mona S. Minton, Stephen Norton and Luz M. Ramirez to the Veterans and Military Families Committee. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.
Motion by Morrison, seconded by Sotelo-Solis to appoint Meg Storer to the Veterans and Military Families Advisory Committee. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 6 (NMC), Item No. 7 (Minutes), Item Nos. 8 through 17 (Resolution Nos. 2017-218 through 2017-226), Item No. 18 (Temporary Use Permit), Item No. 19 (Newsletter). Item Nos. 20 and 21 (Warrant Registers). Motion by Sotelo-Solis, seconded by Mendivil, to approve the Consent Calendar except for No. 14 and No. 17. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

MUNICIPAL CODE 2017 (506-2-32)

6. MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY. (City Clerk)

ACTION: Approved. See above.

APPROVAL OF THE MINUTES (103-2-1)

7. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY OF MARCH 21, 2017 AND ADJOURNED REGULAR MEETING OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY OF FEBRUARY 7, 2017. (City Clerk)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2017-68)

8. Resolution No. 2017-218. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A SUBORDINATION AGREEMENT ALLOWING A NEW MORTGAGE THAT IS NOT-TO-EXCEED \$265,100 TO BE AND REMAIN A LIEN PRIOR AND SUPERIOR TO A HOME PURCHASE ASSISTANCE LOAN ON A SINGLE-UNIT PROPERTY LOCATED AT 726 MARIPOSA CIRCLE IN NATIONAL CITY. (Housing & Economic Development)

ACTION: Approved. See above.

CONTRACT (C2017-67)

9. Resolution No. 2017-219. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE EXECUTION OF A QUITCLAIM DEED TO THE COMMUNITY DEVELOPMENT COMMISSION-HOUSING AUTHORITY FOR A SANITARY SEWER EASEMENT WITHIN PHASE III OF THE PARADISE CREEK AFFORDABLE HOUSING PROJECT (APN 560-391-11 & 560-206-08). (Housing & Economic Development) **COMPANION ITEM #25**

ACTION: Approved. See above.

CONTRACT (C2017-69)

10. Resolution No. 2017-220. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) AUTHORIZING THE MAYOR TO EXECUTE PROGRAM SUPPLEMENT AGREEMENT (PSA) NO. F014 WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE HIGHLAND AVENUE AND E 28TH STREET TRAFFIC SIGNAL IMPROVEMENTS PROJECT TO ALLOW FOR REIMBURSEMENT OF UP TO \$154,000 IN ELIGIBLE PROJECT EXPENDITURES THROUGH THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP); AND 2) AUTHORIZING THE ESTABLISHMENT OF AN ENGINEERING GRANTS FUND APPROPRIATION OF \$154,000 AND CORRESPONDING REVENUE BUDGET. (Engineering/Public Works)

ACTION: Adopted. See above.

CONTRACT (C2017-70)

11. Resolution No. 2017-221. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) AUTHORIZING THE MAYOR TO EXECUTE PROGRAM SUPPLEMENT AGREEMENT (PSA) NO. F015 WITH THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE FIBER OPTIC TRAFFIC SIGNAL INTERCONNECT EXPANSION PROJECT TO ALLOW FOR REIMBURSEMENT OF UP TO \$501,400 IN ELIGIBLE PROJECT EXPENDITURES THROUGH THE HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP); AND 2) AUTHORIZING THE ESTABLISHMENT OF AN ENGINEERING GRANTS FUND APPROPRIATION OF \$501,400 AND CORRESPONDING REVENUE BUDGET. (Engineering/Public Works)

ACTION: Adopted. See above.

CONSENT CALENDAR (cont.)

CONTRACT (C2015-35)

12. Resolution No. 2017-222. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, AUTHORIZING THE ESTABLISHMENT OF AN ENGINEERING GRANTS FUND APPROPRIATION OF \$37,675 AND CORRESPONDING REVENUE BUDGET FOR THE 18TH STREET BICYCLE ENHANCEMENTS PROJECT FUNDED THROUGH A HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) GRANT. (Engineering/Public Works)

ACTION: Adopted. See above.

PARKING & TRAFFIC CONTROL ADMIN (801-02-38)

13. Resolution No. 2017-223. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF STOP SIGNS AT VARIOUS INTERSECTIONS WITHIN THE NEIGHBORHOOD BOUNDED BY E. 4TH STREET TO THE NORTH, E. 8TH STREET TO THE SOUTH, HIGHLAND AVENUE TO THE EAST AND "E" AVENUE TO THE WEST IN RESPONSE TO SAFETY CONCERNS BY AREA RESIDENTS (TSC NO. 2017-28). (Engineering/Public Works)

ACTION: Adopted. See above.

PARKING & TRAFFIC CONTROL ADMIN (801-02-38)

14. Resolution No. 2017-224. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF A RED CURB "NO PARKING" ON THE NORTH SIDE OF E. 18TH STREET ADJACENT TO THE DRIVEWAYS OF "PARKVIEW APARTMENTS" IN ORDER TO ENHANCE SAFETY AND VISIBILITY FOR DRIVERS EXITING THE APARTMENT DRIVEWAYS (TSC NO. 2017-29). (Engineering/Public Works)

ACTION: Motion by Rios, seconded by Mendivil to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

PARKING & TRAFFIC CONTROL ADMIN (801-02-38)

15. Resolution No. 2017-225. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF A BLUE CURB DISABLED PERSON PARKING SPACE WITH SIGNAGE IN FRONT OF THE RESIDENCE AT 241 E. 3RD STREET (TSC NO. 2017-30). (Engineering/Public Works)

ACTION: Approved. See above.

PARKING & TRAFFIC CONTROL ADMIN (801-02-38)

16. Resolution No. 2017-226. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE INSTALLATION OF A BLUE CURB DISABLED PERSON PARKING SPACE WITH SIGNAGE IN FRONT OF THE RESIDENCE AT 608 "K" AVENUE (TSC NO. 2017-31). (Engineering/Public Works)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

TEMPORARY USE PERMITS 2017 (203-01-33)

17. Temporary Use Permit - "Christmas with Kids" hosted by Christmas with Kids at 223 E. 3rd Street on December 25, 2017 from 7 a.m. to 12 p.m. The applicant has requested a waiver of fees. (Neighborhood Services)

RECOMMENDATION: Approve the Application for a TUP subject to compliance with all conditions of approval with no waiver of fees in accordance to City Council Policy 802.

TESTIMONY: Michael Tren, representing the applicant, requested waiver of fees.

ACTION: Motion by Sotelo-Solis, seconded by Rios, to approve with waiver of fees. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

FINANCIAL MANAGEMENT 2017-2018 (204-1-33)

18. National City Sales Tax Update Newsletter - Second Quarter 2017. (Finance)

ACTION: Approved. See above.

WARRANT REGISTER JULY 2017 - JUNE 2018 (202-1-32)

19. Warrant Register #15 for the period of 10/04/17 through 10/10/17 in the amount of \$1,612,448.63. (Finance)

ACTION: Ratified. See above.

WARRANT REGISTER JULY 2017 - JUNE 2018 (202-1-32)

20. Warrant Register #16 for the period of 10/11/17 through 10/17/17 in the amount of \$1,023,869.59. (Finance)

ACTION: Ratified. See above.

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

SPECIFIC PLAN - DOWNTOWN (417-01-09)

21. Resolution Nos. 2017-227 and 2017-228. Public Hearing for the consideration of alternative resolutions of the City Council of the City of National City to approve or deny Downtown Specific Plan Consistency Review for an 11 Unit Residential Building with Exemptions for Density and Driveway located at 129 National City Boulevard. (Applicant: Jose A. Perez) (Case File: 2016-11 DSP) (Planning)

RECOMMENDATION: Approve subject to conditions of approval.

TESTIMONY: Andy (no last name) a neighboring property owner, had no objection to the proposed project.

Edward Paula, the property owner and Jose Peres, the project architect, spoke on behalf of the project and responded to questions.

ACTION: Motion by Mendivil, seconded by Sotelo-Solis to close the Public Hearing. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

NON CONSENT RESOLUTIONS (cont.)

SPECIFIC PLAN – DOWNTOWN (417-01-09)

21. Resolution Nos. 2017-227 and 2017-228 (continued)

ACTION: Motion by Mendivil, seconded by Morrison to approve the 11 Unit Residential Building with findings and conditions of approval. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

CONTRACT (C2017-71)

22. Resolution No. 2017-229. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH NEUTRON HOLDINGS, INC. DBA LIMEBIKE FOR BICYCLE SHARING PROGRAM SERVICES. (Engineering/Public Works) **COMPANION ITEM #4**

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Rios, seconded by Sotelo-Solis, to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

FINANCIAL MANAGEMENT 2017-2018 (204-1-33)

COMMUNITY PROMOTION (102-1-3)

23. Resolution No. 2017-230. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE AMENDMENT OF CITY COUNCIL POLICY #201, "MAINTENANCE OF RESERVES," 1) TO ESTABLISH AN IRREVOCABLE SUPPLEMENTAL PENSION TRUST RESERVE AND 2) TO REPLACE THE SEWER SERVICE FUND CONTINGENCY RESERVE WITH FIVE SPECIFIC-PURPOSE SEWER SERVICE FUND RESERVES. (Finance and Engineering/Public Works)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Rios to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

TEMPORARY USE PERMITS 2017 (203-01-33)

24. Temporary Use Permit - Love Thy Neighbor Toy Drive hosted by Love Thy Neighbor on December 9, 2017 from 1 p.m. to 9 p.m. at Sweetwater Harley-Davidson, 3201 Hoover Avenue with no waiver of fees. (Neighborhood Services)

RECOMMENDATION: Approve the Application for a TUP subject to compliance with all conditions of approval with no waiver of fees or in accordance to City Council Policy 802.

TESTIMONY: None.

NEW BUSINESS (cont.)

TEMPORARY USE PERMITS 2017 (203-01-33)

24. Temporary Use Permit (continued)

ACTION: Motion by Mendivil, seconded by Sotelo-Solis to approve the TUP. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

B. COMMUNITY DEVELOPMENT COMMISSION – HOUSING AUTHORITY

CONSENT RESOLUTIONS - HOUSING AUTHORITY

CONTRACT (C2017-67)

25. Resolution No. 2017-59. Resolution of the Community Development Commission-Housing Authority of the City of National City authorizing the Chairman to execute a Certificate of Acceptance for a Quitclaim Deed from the City of National City for a sanitary sewer easement within Phase II of the Paradise Creek Affordable Housing Project, and directing recordation of said Quitclaim Deed with the County of San Diego Recorder's Office (APN 560-391-11 & 560-206-08). (Housing & Economic Development) **Companion Item #9**

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None.

ACTION: Motion by Rios, seconded by Sotelo-Solis to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

PUBLIC HEARINGS: RESOLUTIONS - HOUSING AUTHORITY

NON CONSENT RESOLUTIONS - HOUSING AUTHORITY

NEW BUSINESS - HOUSING AUTHORITY

C. REPORTS

STAFF REPORTS

26. Las Palmas playground build completion. (Community Services)
27. A Kimball Holiday, December 8 and 9, 2017. (Community Services)

MAYOR AND CITY COUNCIL

Members of the City Council extended Thanksgiving wished to the community and staff.

CLOSED SESSION REPORT

City Attorney Angil Morris-Jones reported that in Closed Session the City Council was briefed in one matter and gave direction in another matter by a unanimous vote of those present. (See attached Exhibit 'L')

ADJOURNMENT

Motion by Sotelo-Solis, seconded by Rios, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday -- December 5, 2017 - 6:00 p.m. - Council Chambers - National City, California. Carried by the following vote, to-wit: Ayes: Morrison, Mendivil, Rios, Sotelo-Solis. Nays: None. Abstain: None. Absent: Cano.

The meeting closed at 8:28 p.m.

City Clerk

The foregoing minutes were approved at the Regular Meeting of April 17, 2018.

Mayor

EXHIBIT 'L'



AGENDA OF A SPECIAL MEETING

CITY COUNCIL OF THE CITY OF NATIONAL CITY

Main Conference Room
Civic Center
1243 National City Boulevard
National City, California

Special Meeting - Tuesday, November 21, 2017 - 5:00 p.m.

ROLL CALL

CITY COUNCIL

CLOSED SESSION

1. Conference with Legal Counsel - Potential Litigation
Significant Exposure to Litigation under Government Code Section 54956.9(d)(4)
Two Potential Cases

ADJOURNMENT

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - November 21, 2017 - 6:00 p.m. - Council Chambers - National City, California.

DRAFT DRAFT DRAFT
**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION –
HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY**

December 5, 2017

The Regular Meeting of the City Council and Community Development Commission – Housing Authority of the City of National City was called to order at 6:09 p.m. by Mayor / Chairman Ron Morrison.

ROLL CALL

Council / Board members present: Cano, Mendivil, Morrison, Rios, Sotelo-Solis.
Administrative Officials present: Dalla, Deese, Denham, Duong, Manganiello, Morris-Jones, Parra, Raulston, Roberts, Rodriguez, Stevenson, Vergara, Williams, Ybarra.

Others present: City Treasurer Mitch Beauchamp and Student Representative Erika Gastelum.

PLEDGE OF ALLEGIANCE TO THE FLAG BY MAYOR RON MORRISON

PUBLIC COMMENTS

Sandy Bundy, representing the San Diego Public Employees Union, spoke on behalf of their 370 members regarding current negotiations with the Metropolitan Transit System.

PRESENTATIONS

**COUNCIL MEETING PRESENTATIONS / AWARDS & RECOGNITIONS 2017
(102-10-12)**

1. 2018 Storm Water Calendar Presentation. (Tirza Gonzales, Executive Secretary) (Engineering/Public Works)
2. SDG&E Rate Reform Update. (Laura Welty, Outreach Supervisor)

CITY COUNCIL

CONSENT CALENDAR

ADOPTION OF CONSENT CALENDAR. Item No. 3 (NCCMC), Item No. 4 (Minutes), Item Nos. 5 through 9 (Resolution Nos. 2017-231 through 2017-235, Item Nos. 10 and 11 (Warrant Registers). Motion by Sotelo-Solis, seconded by Cano, to approve the Consent Calendar except for Item No. 8 and No. 9. Carried by unanimous vote.

CONSENT CALENDAR (cont.)

MUNICIPAL CODE 2017 (506-2-32)

3. MOTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING THE WAIVING OF THE READING OF THE TEXT OF THE ORDINANCES CONSIDERED AT THIS MEETING AND PROVIDING THAT SUCH ORDINANCES SHALL BE INTRODUCED AND/OR ADOPTED AFTER A READING OF THE TITLE ONLY. (City Clerk)

ACTION: Approved. See above.

APPROVAL OF THE MINUTES (103-2-1)

4. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY OF APRIL 4, 2017 AND ADJOURNED REGULAR MEETINGS OF THE CITY COUNCIL AND COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY OF NATIONAL CITY OF FEBRUARY 28, 2017 AND APRIL 25, 2017. (City Clerk)

ACTION: Approved. See above.

CONTRACT (C2014-42)

5. Resolution No. 2017-231. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, 1) AUTHORIZING THE MAYOR TO EXECUTE A TWO-YEAR AGREEMENT WITH GEOSYNTEC CONSULTANTS, INC. FOR A NOT-TO-EXCEED AMOUNT OF \$500,000 TO PROVIDE ON-CALL PROJECT SUPPORT SERVICES FOR NATIONAL CITY'S CAPITAL IMPROVEMENT PROGRAM (CIP), INCLUDING BUT NOT LIMITED TO, ENVIRONMENTAL ENGINEERING, SITE ASSESSMENTS, CHARACTERIZATION AND REMEDIATION, GROUNDWATER MONITORING AND REPORTING, AND PREPARATION OF ENVIRONMENTAL STUDIES IN ACCORDANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) AND CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA); AND 2) AUTHORIZING THE CITY MANAGER TO EXECUTE ANY PROJECT-SPECIFIC SUPPLEMENTAL AGREEMENTS, AS MAY BE REQUIRED FOR GRANT FUNDED PROJECTS. (Engineering/Public Works)

ACTION: Approved. See above.

LAND USE PLANNING/MITIGATION (405-10-4)

6. Resolution No. 2017-232. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY APPROVING AND ADOPTING THE UPDATED MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN, AND AUTHORIZING THE CITY MANAGER TO IMPLEMENT SAID PLAN. (Building/Fire)

ACTION: Approved. See above.

CONSENT CALENDAR (cont.)

EQUIPMENT / VEHICLE PURCHASE ADMIN (209-01-01)

7. Resolution No. 2017-233. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE ACCEPTANCE OF THE LOWEST, RESPONSIVE, RESPONSIBLE BID, FOR THE PURCHASE OF (1) 2018 NISSAN ALTIMA, FOR THE POLICE DEPARTMENT FROM MOSSY NISSAN OF NATIONAL CITY, IN THE AMOUNT OF \$18,896.22. (Finance)

ACTION: Approved. See above.

EQUIPMENT / VEHICLE PURCHASE ADMIN (209-01-01)

8. Resolution No. 2017-234. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE ACCEPTANCE OF THE LOWEST, RESPONSIVE, RESPONSIBLE BID, FOR THE PURCHASE OF (1) 2018 TOYOTA CAMRY LE, FOR THE POLICE DEPARTMENT FROM KEARNY MESA TOYOTA OF SAN DIEGO, IN THE AMOUNT OF \$24,016.74. (Finance)

ACTION: Motion by Cano, seconded by Mendivil to adopt the Resolution. Carried by unanimous vote.

EQUIPMENT / VEHICLE PURCHASE ADMIN (209-01-01)

9. Resolution No. 2017-235. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE ACCEPTANCE OF THE LOWEST, RESPONSIVE, RESPONSIBLE BID, FOR THE PURCHASE OF (1) 2018 HONDA ACCORD LX, FOR THE POLICE DEPARTMENT FROM PACIFIC HONDA OF SAN DIEGO, IN THE AMOUNT OF \$24,228.46. (Finance)

ACTION: Motion by Cano, seconded by Mendivil to adopt the Resolution. Carried by unanimous vote.

WARRANT REGISTER JULY 2017 – JUNE 2018 (202-1-32)

10. Warrant Register #17 for the period of 10/18/17 through 10/24/17 in the amount of \$1,485,441.46. (Finance)

ACTION: Ratified. See above.

WARRANT REGISTER JULY 2017 – JUNE 2018 (202-1-32)

11. Warrant Register #18 for the period of 10/25/17 through 10/31/17 in the amount of \$269,109.72. (Finance)

ACTION: Ratified. See above.

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS

SEWER CAPACITY / FEES ADMIN (906-01-04)

12. Resolution No. 2017-236. Public Hearing to Consider Proposed Adjustments to Sewer Service Charges in accordance with Proposition 218 requirements, and the adoption of a Resolution of the City Council of the City of National City approving the proposed rate adjustment. (Engineering/Public Works)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: None. The City Clerk reported that six written protests were received prior to the meeting.

ACTION: Motion by Cano, seconded by Mendivil to open the Public Hearing. Carried by unanimous vote.

Motion by Cano, seconded by Mendivil to close the Public Hearing. Carried by unanimous vote.

Motion by Mendivil, seconded by Sotelo-Solis to adopt the Resolution. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison, Sotelo-Solis. Nays: Rios. Abstain: None. Absent: None.

SEWER CAPACITY / FEES ADMIN (906-01-04)

13. Ordinance No. 2017-2442. Public Hearing on the Introduction of an Ordinance of the City Council of the City of National City repealing Ordinance No. 2003-2226 and adopting an Ordinance establishing Sewer Service Charges for fiscal years 2018-19, 2019-20, 2020-21, 2021-22, and 2022-23. (Engineering/Public Works)

RECOMMENDATION: Introduce the Ordinance.

TESTIMONY: None.

ACTION: Motion by Sotelo-Solis, seconded by Cano to open the Public Hearing. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison, Sotelo-Solis. Nays: Rios. Abstain: None. Absent: None.

Motion by Sotelo-Solis, seconded by Cano to close the Public Hearing. Carried by unanimous vote.

TRAFFIC SPEED CONTROL ADMIN (801-06-01)

14. Ordinance No. 2017-2443. Public Hearing on the Introduction of an Ordinance of the City Council of the City of National City amending Title 11, Section 11.16.010 Speed Zones Designated, of the National City Municipal Code establishing speed limits on various roadways based on certified Engineering and Traffic Surveys Default Item. (Engineering/Public Works)

RECOMMENDATION: Introduce Ordinance for first reading.

TESTIMONY: None.

PUBLIC HEARINGS: ORDINANCES AND RESOLUTIONS (cont.)

TRAFFIC SPEED CONTROL ADMIN (801-06-01)

14. Ordinance No. 2017-2443 (continued).

ACTION: Motion by Mendivil, seconded by Sotelo-Solis to open the Public Hearing. Carried by unanimous vote.

Motion by Mendivil, seconded by Cano to close the Public Hearing. Carried by unanimous vote.

Motion by Sotelo-Solis, seconded by Mendivil to introduce the Ordinance. Carried by unanimous vote.

NON CONSENT RESOLUTIONS

CONTRACT (C2012-08)

15. Resolution No. 2017-237. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY AUTHORIZING THE MAYOR TO EXECUTE A MAINTENANCE & OPERATING AGREEMENT BY AND BETWEEN THE CITY AND A REASON TO SURVIVE (ARTS) CONSISTING OF A TERM OF 36 MONTHS WITH AN OPTION TO EXTEND THE TERM FOR UP TO TWO ADDITIONAL 60 MONTH PERIODS FOR THE CITY-OWNED LAND AND BUILDING LOCATED AT 200 EAST 12TH STREET IN NATIONAL CITY. (Housing & Economic Development)

RECOMMENDATION: Approve the Resolution.

STAFF COMMENTS: It was pointed out, for the record that, there was a typo on the first page of the proposed agreement designating the agreement date.

TESTIMONY: Mat Darego, appeared on behalf of ARTS and responded to questions.

ACTION: Member Sotelo-Solis distributed a written copy of a proposed amendment to Section 12.2 of the draft agreement. (See Exhibit "A" attached).

Motion by Sotelo-Solis, seconded by Rios to adopt the Agreement with the proposed Amendment to Section 12.2. Motion failed by the following vote, to-wit: Ayes: Rios, Sotelo-Solis. Nays: Cano, Mendivil, Morrison. Abstain: None. Absent: None.

Motion by Mendivil, seconded by Rios, to adopt the Resolution including the correction. Carried by the following vote, to-wit: Ayes: Mendivil, Morrison, Rios, Sotelo-Solis. Nays: Cano. Abstain: None. Absent: None.

NEW BUSINESS

BOARDS & COMMISSIONS ADMIN (101-01-01)

16. Report from the Civil Service Commission to the City Council of the City of National City. (Human Resources)

RECOMMENDATION: Accept and file report.

NEW BUSINESS (cont.)

BOARDS & COMMISSIONS ADMIN (101-01-01)

16. Report from the Civil Service Commission (continued)

TESTIMONY: David Garcia, Chair of the Civil Service Commission was present to respond to questions regarding the report.

ACTION: Motion by Morrison, seconded by Rios, to accept and file. Carried by unanimous vote.

COUNCIL POLICY ADMIN (102-13-01)

17. Discussion regarding City Council Policy #802, "City Support for Special Events, Activities, Programs and Services". (Finance)

RECOMMENDATION: Provide staff direction regarding amendment of City Council Policy # 802, "City Support for Special Events, Activities, Programs and Services".

TESTIMONY: None.

ACTION: Motion by Morrison, seconded by Cano to bring back at the January meeting language to tie up the loop holes so that events where cash is given out that events are treated like any other cash donation. The motion was clarified to be, when money is being given to organizations-individuals is being used for events that they be treated the same as any other transfer of money that would have to be fully accounted with receipts. Carried by the following vote, to-wit: Ayes: Cano, Mendivil, Morrison. Nays: Sotelo-Solis, Rios. Abstain: None. Absent: None.

B. COMMUNITY DEVELOPMENT COMMISSION - HOUSING AUTHORITY

A recess was called at 8:47 p.m.

The meeting reconvened at 8:59. All members were present.

NON CONSENT RESOLUTIONS - HOUSING AUTHORITY

HOUSING AUTHORITY 2017 (404-1-6)

CONTRACT (C2017-24)

18. Resolution No. 2017-60. RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION-HOUSING AUTHORITY OF THE CITY OF NATIONAL CITY ACCEPTING THE FINDINGS FROM THE ANALYSIS COMPLETED BY KEYSER MARSTON ASSOCIATES, INC., OF FOUR FINANCIAL PROPOSALS SUBMITTED THROUGH A REQUEST FOR PROPOSALS PROCESS; SELECTING THE DEVELOPMENT TEAM COMPRISED OF COMMUNITY HOUSINGWORKS, INC., A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION, AND MERCY HOUSING CALIFORNIA, INC., A CALIFORNIA NON-PROFIT PUBLIC BENEFIT CORPORATION, FOR THE RECAPITALIZATION AND REHABILITATION OF KIMBALL AND MORGAN TOWERS LOCATED AT 1317 AND 1415 "D" AVENUE IN NATIONAL CITY; AND AUTHORIZING

NON CONSENT RESOLUTIONS - HOUSING AUTHORITY (cont.)

**HOUSING AUTHORITY 2017 (404-1-6)
CONTRACT (C2017-24)**

18. Resolution No. 2017-60 (continued). THE CITY MANAGER TO EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT IN ORDER TO BEGIN NEGOTIATIONS WITH THE SELECTED DEVELOPER. (Housing & Economic Development)

RECOMMENDATION: Adopt the Resolution.

TESTIMONY: Paul Marrow and one associate from Keyser Marston Associates presented a summary of their work, findings and recommendation on the RFP process.

Mary Jane Jagodzinski, from Community Housing Works, spoke in support of the findings.

Walter Hybird, representing Chelsea Investment Corp., requested a short continuance of the item.

Colin Rice, representing Morgan Kimball Community Partners, spoke on behalf of his group's proposal as being best for seniors and the City.

Juaquin Morales, National City, spoke in support of Community Housing Works and expressed appreciation for the Paradise Creek apartment complex.

Olivia Madiscal de Cansada, National City, expressed appreciation for the facilities and programs available at Paradise Creek Apartments and Community Housing Works.

Miguel Figueroa, National City, expressed appreciation to Community Housing Works for programs that are assisting his family to succeed.

David Garcia, National City, spoke in support of staff recommendation and moving forward with the project.

ACTION: Motion by Sotelo-Solis, seconded by Rios to move forward with staff recommendation and adopt the Resolution. Carried by the following vote, to-wit: Ayes: Mendivil, Rios, Sotelo-Solis. Nays: Cano, Morrison. Abstain: None. Absent: None.

C. REPORTS

STAFF REPORTS

Emergency Services Director Parra provided an update on 1) the Hepatitis "A" outbreak and the addition of two additional hand-washing stations in the City and, b) the extreme fire conditions and Red Flag Warning currently is existence in San Diego County and steps being taken to address the situation.

MAYOR AND CITY COUNCIL

Vice Mayor Mendivil reported on his participation in the Thanksgiving event sponsored by the Police Department to provide groceries to 50 families made possible by donations from community members, businesses and their employees.

Member Sotelo-Solis acknowledged the Police Department and others who have participated in efforts to provide for the needy and thanked the staff for all their efforts during the year.

Member Rios reported on the recruitment process underway by SANDAG to select a new CEO and that she was unable to attend the Mayor's Open House because she attended the Police Departments Christmas Party on the same night.

Member Cano expressed thanks and appreciation to Mayor Morrison for hosting his annual Open House Christmas event.

Mayor Morrison said that this year his office was able to distribute 595 turkeys to needy families that were donated by a number of local businesses.

CLOSED SESSION REPORT - There was no Closed Session.

ADJOURNMENT

Motion by Sotelo-Solis, seconded by Rios, to adjourn the meeting to the next Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - December 19, 2017 - 6:00 p.m. - Council Chambers - National City, California. Carried by unanimous vote.

Regular Meeting of the City Council and Community Development Commission - Housing Authority of the City of National City - Tuesday - December 19, 2017 - 6:00 p.m. - Council Chambers - National City, California.

City Council and Community Development Commission - Housing Authority of the City of National City Meeting Schedule for the Period January 2, 2018 through January 16, 2018:

January 02 - Dispense with Meeting - 6:00 pm
January 16 - Regular Meeting - 6:00 pm

The meeting closed at 10:35 p.m.

City Clerk

The foregoing minutes were approved at the Regular Meeting of April 17, 2018.

Mayor

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the Mayor to execute the Standard Assurances for the FY17 State Homeland Security Grant Program and authorizing the establishment of Reimbursable Grants City-Wide Fund appropriations

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Mayor to execute the Standard Assurances for the FY17 State Homeland Security Grant Program and authorizing the establishment of Reimbursable Grants City-Wide Fund appropriations and corresponding revenue budgets each in amounts totalling \$51,472 for FY17 State Homeland Security Grant Program funds for a reimbursable grant purchase of equipment for the Police and Fire Departments. (Fire)

PREPARED BY: Frank Parra

DEPARTMENT: Fire

PHONE: 619-336-4551

APPROVED BY: _____

EXPLANATION:

The FY17 State Homeland Security Grant Program was designed to supplement the purchase of equipment, training, exercises, and planning for Police and Fire personnel. The San Diego County Office of Emergency Services coordinates the requests for equipment, training, exercises, and planning. In order to receive grant funds, National City must authorize the submission of the Standard Assurances for the FY17 State Homeland Security Grant Program. National City's allocation was \$50,631 and Lincoln Acres was \$841 for a grand total of \$51,472 for equipment. The equipment funds will be divided evenly between the City's Police and Fire Department.

This grant program requires the City to incur expenses, and then apply for reimbursement. In order to be eligible for reimbursement, the Police and Fire Departments must purchase and/or receive the items prior to the June 30, 2019 deadline. Staff recommends the utilization of \$51,472 of City funds for equipment for the Police and Fire Department, and to request reimbursement for such expenses from the San Diego County Office of Emergency Services.

FINANCIAL STATEMENT:

APPROVED: Mark Ralento **Finance**

ACCOUNT NO. 282-411-949-355-0000 \$25,736.00
282-412-949-355-0000 \$25,736.00

APPROVED: _____ **MIS**

No City match required.

ENVIRONMENTAL REVIEW:

[This is not a project and, therefore, not subject to environmental review.]

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt Resolution.

BOARD / COMMISSION RECOMMENDATION:

|

ATTACHMENTS:

California Governor's Office of Emergency Services FY2017 Standard Assurances
FY17 SHSG Approved Allocation
Resolution



Standard Assurances For All Cal OES Federal Grant Programs

As the duly authorized representative of the Applicant, I hereby certify that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management and completion of the project described in this application, within prescribed timelines.

I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) California Supplement to the NOFO; and
- (d) Federal and State Grant Program Guidelines.

Federal Regulations

Government cost principles, uniform administrative requirements and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (C.F.R.). Updates are issued by the Office of Management and Budget (OMB) and can be found at <http://www.whitehouse.gov/omb/>.

Significant state and federal grant award requirements (some of which appear in the documents listed above) are set forth below. The Applicant hereby agrees to comply with the following:

1. Proof of Authority

The Applicant will obtain written authorization from the city council, governing board or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

- (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required.
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board or authorized body.
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board or authorized body; and
- (d) The official executing this agreement is, in fact, authorized to do so.

This Proof of Authority must be maintained on file and readily available upon request.

2. Period of Performance

The Applicant will initiate work after approval of the award and complete all work within the period of performance specified in the grant.

3. Lobbying and Political Activities

As required by Section 1352, Title 31 of the United States Code (U.S.C.), for persons entering into a contract, grant, loan or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and §§7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

4. Debarment and Suspension

As required by Executive Orders 12549 and 12689, and 2 C.F.R. §200.212 and codified in 2 C.F.R. Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principal, subgrantees, recipients or subrecipients:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

5. Non-Discrimination and Equal Employment Opportunity

The Applicant will comply with all federal statutes relating to non-discrimination. These include, but are not limited to, the following:

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. §2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794), which prohibits discrimination against those with disabilities or access and functional needs;
- (d) Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs (42 U.S.C. §§ 12101-12213.);
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units

- (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201); ;
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin;
 - (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
 - (j) California Public Contract Code §10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;
 - (k) DHS policy to ensure the equal treatment of faith-based organizations, under which all applicants and recipients must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
 - (l) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
 - (m) The requirements of any other nondiscrimination statute(s) which may apply to the application.

In addition to the items listed in (a) through (m), the Applicant will comply with California's Fair Employment and Housing Act (FEHA). FEHA prohibits harassment and discrimination in employment because of ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth, or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave (California Government Code §§ 12940, 12945, 12945.2), military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions.

6. Drug-Free Workplace

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. §701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

7. Environmental Standards

The Applicant will comply with state and federal environmental standards, which may be prescribed pursuant to the following, as applicable:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387);

- (c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
- (e) Institution of environmental quality control measures under the National Environmental Policy Act (NEPA) of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;
- (f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (g) Executive Order 11514 which sets forth national environmental standards;
- (h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order 11990 which requires preservation of wetlands;
- (i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (j) The Endangered Species Act of 1973, (P.L. 93-205);
- (k) Assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.);
- (l) Conformity of Federal Actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.);
- (m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. § 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions; or 3) determined to be in violation of federal law relating to air or water pollution.

8. Audits

For subrecipients expending \$750,000 or more in federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

9. Access to Records

In accordance with 2 C.F.R. §200.336, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award.

The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

10. Conflict of Interest

The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

11. Financial Management

False Claims for Payment The Applicant will comply with 31 U.S.C §§ 3729-3733 which sets forth that no recipient shall submit a false claim for payment, reimbursement or advance.

12. Reporting - Accountability

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), specifically (a) the reporting of subawards obligating \$25,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements for executive compensation, and also requirements implementing the Act for the non-federal entity at 2 C.F.R. Part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 C.F.R. Part 170 Reporting Subaward and Executive Compensation Information.

13. Whistleblower Protections

The Applicant also must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.

14. Human Trafficking

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect: (2) procuring a commercial sex act during the period of time that the award is in effect: or (3) using forced labor in the performance of the award or subawards under the award.

15. Labor Standards

The Applicant will comply with the following federal labor standards:

- (a) The Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts; and
- (b) The Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

16. Worker's Compensation

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job at all times during the performance of the work of this

Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

17. Property-Related

If applicable to the type of project funded by this federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of federal participation in purchase;
- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more;
- (c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.); and
- (d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

18. Certifications Applicable Only to Federally-Funded Construction Projects

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project;
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications; and
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

19. Use of Cellular Device While Driving is Prohibited

Applicants are required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving a motor vehicle while using an electronic wireless communications device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

20. California Public Records Act and Freedom of Information Act

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

HOMELAND SECURITY GRANT PROGRAM - PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS

21. Reporting Accusations and Findings of Discrimination

If during the past three years the recipient has been accused of discrimination on any basis the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the DHS Financial Assistance Office and the DHS Office for Civil Rights and Civil Liberties (CRCL) by e-mail at crcl@hq.dhs.gov or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties, Building 410, Mail Stop #0190, Washington, D.C. 20528.

If the courts or administrative agencies make a finding of discrimination on grounds of race, color, national origin (including LEP), sex, age, disability, religion, or familial status against the recipient, or the recipients settle a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the DHS Financial Assistance Office and the CRCL by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

22. Acknowledgment of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

23. Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

24. Best Practices for Collection and Use of Personally Identifiable Information (PII)

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Recipients may also

find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy template a useful resource respectively.

25. Copyright

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

26. Duplication of Benefits

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies, to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions, or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

27. Energy Policy and Conservation Act

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

28. Federal Debt Status

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

29. Fly America Act of 1974

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942

30. Hotel and Motel Fire Safety Act of 1990

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.

31. Non-supplanting Requirements

All recipients who receive federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

32. Patents and Intellectual Property Rights

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

33. SAFECOM

All recipients who receive federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

34. Terrorist Financing

All recipients must comply with Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

35. Reporting of Matters Related to Recipient Integrity and Performance

If the total value of the recipient's currently active grants, cooperative agreements, and procurement contracts from all federal assistance offices exceeds \$10,000,000 for any period of time during the period of performance of this federal financial assistance award, you must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

36. USA Patriot Act of 2001

All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

37. Use of DHS Seal, Logo, and Flags

All recipients must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

IMPORTANT

The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers. All recipients are bound by the Department of Homeland Security Standard Terms and Conditions 2017, Version 7.0, hereby incorporated by reference, which can be found at: <https://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>.

The undersigned represents that he/she is authorized by the Applicant to enter into this agreement for and on behalf of the said Applicant.

Applicant: City of National City

Signature of Authorized Agent: _____

Printed Name of Authorized Agent: Ron Morrison

Title: Mayor Date: _____

| FY 2017 STATE HOMELAND SECURITY PROGRAM (SHSP) GRANT APPROVED ALLOCATION | | | | | | | | | |
|--|-----------------------------|-------------------|------------------|-----------------------------------|-----------------------------|--------------------------|-------------------|------------------|--------------------------------|
| JURISDICTION | FY2016 - ALLOCATION | | | FY2017 - ALLOCATION | | | | | |
| <u>CITIES</u> | LE - 25% of FY16 Allocation | Non-LE Allocation | TOTAL | Sworn LE Personnel Figures (2016) | LE - 25% of FY17 Allocation | Non-LE Population (2016) | Non-LE Allocation | TOTAL | % Change from FY2016 to FY2017 |
| CARLSBAD | 16,643 | 68,175 | 84,818 | 110 | 16,643 | 112,930 | 65,619 | 82,262 | -3.01% |
| CHULA VISTA | 32,681 | 153,285 | 185,966 | 216 | 32,681 | 265,070 | 147,286 | 179,967 | -3.23% |
| CORONADO | 6,203 | 19,114 | 25,317 | 41 | 6,203 | 25,230 | 18,543 | 24,746 | -2.26% |
| DEL MAR | - | 7,391 | 7,391 | - | - | 4,274 | 7,294 | 7,294 | -1.31% |
| EL CAJON | 18,459 | 62,249 | 80,708 | 122 | 18,459 | 102,337 | 59,933 | 78,392 | -2.87% |
| ENCINITAS | - | 39,644 | 39,644 | - | - | 61,928 | 38,242 | 38,242 | -3.54% |
| ESCONDIDO | 23,149 | 89,338 | 112,487 | 153 | 23,149 | 150,760 | 85,926 | 109,075 | -3.03% |
| ESCONDIDO RINCON DEL DIABLO | - | 8,608 | 8,608 | - | - | 15,387 | 8,259 | 8,259 | -4.05% |
| IMPERIAL BEACH | - | 20,347 | 20,347 | - | - | 27,434 | 19,726 | 19,726 | -3.05% |
| LA MESA | 10,288 | 38,555 | 48,843 | 68 | 10,288 | 59,982 | 37,197 | 47,485 | -2.78% |
| LEMON GROVE | - | 19,887 | 19,887 | - | - | 26,611 | 19,284 | 19,284 | -3.03% |
| NATIONAL CITY | 13,012 | 38,995 | 52,007 | 86 | 13,012 | 60,768 | 37,619 | 50,631 | -2.65% |
| NATIONAL CITY - LINCOLN ACRES | - | 876 | 876 | - | - | 1,566 | 841 | 841 | -4.00% |
| OCEANSIDE | 31,471 | 103,429 | 134,900 | 208 | 31,471 | 175,948 | 99,446 | 130,917 | -2.95% |
| POWAY | - | 33,029 | 33,029 | - | - | 50,103 | 31,894 | 31,894 | -3.44% |
| SAN DIEGO | 281,572 | - | 281,572 | 1,861 | 281,572 | - | - | 281,572 | 0.00% |
| SAN MARCOS | - | 57,191 | 57,191 | - | - | 93,295 | 55,079 | 55,079 | -3.69% |
| SAN MARCOS FPD | - | 8,094 | 8,094 | - | - | 14,469 | 7,767 | 7,767 | -4.04% |
| SANTEE | - | 36,751 | 36,751 | - | - | 56,757 | 35,466 | 35,466 | -3.50% |
| SOLANA BEACH | - | 12,549 | 12,549 | - | - | 13,494 | 12,243 | 12,243 | -2.44% |
| VISTA | - | 60,324 | 60,324 | - | - | 98,896 | 58,086 | 58,086 | -3.71% |
| VISTA FPD | - | 12,207 | 12,207 | - | - | 21,820 | 11,713 | 11,713 | -4.05% |
| TOTAL CITIES | 433,478 | 890,038 | 1,323,516 | 2,865 | 433,478 | 1,439,059 | 857,463 | 1,290,941 | -2.46% |
| <u>FIRE DISTRICTS/OTHER</u> | | | | | | | | | |
| 2-1-1 SAN DIEGO | - | 70,000 | 70,000 | - | - | - | 70,000 | 70,000 | 0.00% |
| ALPINE FPD | - | 13,521 | 13,521 | - | - | 15,231 | 13,176 | 13,176 | -2.55% |
| DEER SPRINGS FPD | - | 11,885 | 11,885 | - | - | 12,308 | 11,607 | 11,607 | -2.34% |
| JULIAN-CUYAMACA FPD | - | 7,330 | 7,330 | - | - | 4,165 | 7,236 | 7,236 | -1.28% |
| LAKESIDE FPD | - | - | - | - | - | 62,188 | 38,382 | 38,382 | N/A |
| NORTH COUNTY FPD | - | 33,680 | 33,680 | - | - | 51,268 | 32,520 | 32,520 | -3.44% |
| PORT OF SAN DIEGO | 18,459 | - | 18,459 | 122 | 18,459 | - | - | 18,459 | 0.00% |
| RANCHO SANTA FE FPD | - | 23,110 | 23,110 | - | - | 32,373 | 22,377 | 22,377 | -3.17% |
| SAN MIGUEL FPD | - | 74,644 | 74,644 | - | - | 124,494 | 71,826 | 71,826 | -3.78% |
| VALLEY CENTER FPD | - | 14,367 | 14,367 | - | - | 16,745 | 13,988 | 13,988 | -2.64% |
| TOTAL FIRE DISTRICTS/OTHER | 18,459 | 248,537 | 266,996 | 122 | 18,459 | 318,772 | 281,112 | 299,571 | 12.20% |
| <u>COUNTY DEPTS</u> | | | | | | | | | |
| OES, HHSA-EMS | - | 1,386,946 | 1,386,946 | - | - | - | 1,386,946 | 1,386,946 | 0.00% |
| SHERIFF | 389,903 | - | 389,903 | 2,577 | 389,903 | - | - | 389,903 | 0.00% |
| TOTAL COUNTY DEPTS | 389,903 | 1,386,946 | 1,776,849 | 2,577 | 389,903 | - | 1,386,946 | 1,776,849 | 0.00% |
| TOTAL ALLOCATIONS | 841,840 | 2,525,521 | 3,367,361 | 5,564 | 841,840 | 1,757,831 | 2,525,521 | 3,367,361 | 0.00% |

Notes:

***Personnel Cap:** Each jurisdiction's allocation has a personnel cap of 50%.

***San Diego Sheriff includes:** Unincorporated San Diego County and the contracted cities of Del Mar, Encinitas, Imperial Beach, Lemon Grove, Poway, San Marcos, Santee, Solana Beach and Vista.

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the Mayor to execute an Agreement between the City of National City and Meritage Systems, Inc., to provide online plan submittal and tracking services for Building, Engineering, Plann

CITY OF NATIONAL CITY, CALIFORNIA COUNCIL AGENDA STATEMENT

MEETING DATE: April 17, 2018

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Mayor to execute an Agreement between the City of National City and Meritage Systems, Inc., to provide online plan submittal and tracking services for Building, Engineering, Planning and Fire, through the Meritage website. Meritage and EsGil are both subsidiaries of Safebuilt; and as such, an amendment to the City's agreement with EsGil will allow the City to pay Meritage for the enhanced tracking system utilizing monies collected during the plan review and permit issuance process. (Building/Fire)

PREPARED BY: Frank Parra

DEPARTMENT: Building and Fire

PHONE: 619-336-4551

APPROVED BY: _____

EXPLANATION:

Development Services would like the right to access the Meritage System, Inc. web site for managing all areas of plan submittal and inspection processes; the new permit & inspection tracking system will allow our residents and customers live access to the most current status of their respective plan review and inspection process. The current agreement with EsGil Corporation provides permit processing, plan reviews, construction inspections, for on-site and off-site services for a not-to-exceed amount of \$800,000 and a term of August 8, 2016 through August 7, 2019. EsGil Corporation has agreed to provide access to the Meritage System, Inc. web site under the following contract agreement changes. The City and EsGil Corporation agree that an increase by one-percent (1%) from sixty-five percent (65%) to sixty-six percent (66%) is adequate to cover the Meritage Systems, Inc. annual support & license fees. There is a one-time start up training and legacy import cost of \$10,000 that will be paid with Buildings professional services account. This Agreement will begin on the effective date and will continue in perpetuity until terminated by the City upon a 30 day notice to Meritage System, Inc.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. 120-00000-3545 – Revenue account
120-412-028-213-0000 – Professional Services

APPROVED: _____ **MIS**

\$10,000 one-time start up training and legacy import cost and 1% reduction in revenue to the City. This contract is an "as needed" basis and funded by fees collected, developer deposits, and various capital improvement projects.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt Resolution.

BOARD / COMMISSION RECOMMENDATION:

|

ATTACHMENTS:

Services Agreement for National City, California
Resolution

SERVICES AGREEMENT FOR NATIONAL CITY, CALIFORNIA

This **SERVICES AGREEMENT** (this "**Agreement**"), effective as of April 17, 2018 (the "**Effective Date**"), is by and between Meritage Systems, Inc., a Colorado corporation, having its principal place of business at 3755 Precision Dr #140, Loveland, CO 80538 ("**Meritage**"), and National City, 1243 National City Blvd, National City, CA 91950 ("**Customer**").

Meritage provides certain services relating to managing building department services (the "**Services**") through the web site located at www.permits.meritagesystems.com and such other sites as may be designated by Meritage (each, the "**Site**" or collectively, the "**Sites**"). Customer wishes to have access to the Services. The parties agree as follows:

1. DEFINITIONS. For purposes of this Agreement, the following initially capitalized terms have the following meanings:

1.1. "Account" means an account allowing access to the Services created in Customer's name.

1.2. "Fees" means the fees for the Services.

1.3. "Confidential Information" means (a) all nonpublic information disclosed or made available under this Agreement that relates to the provision or receipt of the Services or either party's financial condition, operations or business, and which is clearly identified as confidential at the time of disclosure, (b) the Technology, (c) the Documentation, (d) the Customer Information, and (e) the User IDs.

1.4. "Customer Information" means all data, information or other content entered by or collected from Customer or any other user of the Account while accessing the Services.

1.5. "Documentation" means the online help files and instruction manuals (whether in print or electronic form) that relate to the use of the Services that have been provided or made available by Meritage to Customer.

1.6. "Intellectual Property Rights" means any and all intellectual property rights throughout the world, including, without limitation, any and all copyrights, trademarks, service marks, trade secrets, patents, patent applications, moral rights, contract rights and any and all other legal rights protecting intangible proprietary information.

1.7. "Start of Service Date" is the date of commencement of operation of the services by Customer or 120 days following the Effective Date, whichever is first.

1.8. "Technology" means the software, hardware and other technology used by or on behalf of Meritage to provide the Services, and all data, information and other content included on or accessible through the Services, except for any Customer Information.

1.9. "User ID" means each unique User identification name and password used for access to and use of the Services through the Account.

1.10. "User" means anyone accessing the Services through Customer's Account.

2. CUSTOMER'S ACCESS TO AND USE OF THE SERVICES.

2.1. Customer's Right to Access the Services. Subject to the terms of this Agreement Meritage will provide Customer with the right to access and use the Services as specified in **Attachment A: Description and Pricing of Services** during the term of this Agreement, solely for Customer's own internal business purposes. Except as set forth in this Agreement, Customer is not receiving any right or license to use, or any ownership interest with respect to, the Sites, Services or any Technology or Intellectual Property related to the Services.

2.2. Certain Restrictions on Customer's Access. Customer will not, and will not permit any Users or any other party to: (a) alter, modify, reverse engineer, decompile, disassemble, or otherwise attempt to derive the source code of the Sites, Services or Technology; (b) knowingly interfere in any manner with the operation or hosting of the Sites, Services or Technology or attempt to gain unauthorized access to the Services or any other services offered by Meritage; (c) use the Services to provide outsourcing, service bureau, commercial hosting, application service provider or on-line services to third parties, or otherwise make available the Sites, Services or Technology, or access thereto, to any third party; or (d) otherwise use the Sites, Services or Technology in violation of the Agreement.

2.3. Customer's Use of the Services.

(a) **Accounts/User IDs.** Customer will be provided with one or more User IDs to access the Services through the Account. **Attachment A Description and Pricing of Services** specifies the number of user IDs and Read-Only IDs provided by this agreement unless otherwise agreed in writing by Meritage ("**Subscription Cap**"). Customer agrees to limit usage to those individuals assigned User IDs and will be responsible for using commercially reasonable

efforts to ensure the security and confidentiality of all User IDs.

(b) **Customer Information.** Customer grants to Meritage all necessary intellectual and proprietary rights and licenses in and to any Customer Information necessary for Meritage to provide the Services. Customer will not knowingly, and will not knowingly permit any Users to, provide Customer Information that: (i) infringes, misappropriates or violates any Intellectual Property Rights, publicity/privacy rights, law or regulation; (ii) contains any viruses or programming routines intended to damage, surreptitiously intercept or expropriate any system, data or personal information; or (iii) is false, misleading or inaccurate.

(c) **Necessary Equipment.** Customer will be solely responsible, at Customer's own expense, for acquiring, installing and maintaining all hardware, software and other equipment as may be necessary for Customer and Customer's Users to connect to, access, and use the Services. Current requirements include internet access and a PC or mobile device with a modern browser including Internet Explorer, Safari, Chrome, Firefox and maintained to versions within the prior 3 years.

3. SET UP SERVICES.

3.1. **Set Up Services.** Subject to the terms of this Agreement Meritage will provide Customer with support to set up the Account and User IDs, configure the Services for use by the Customer, and provide training to Users in the essential operation of the Services.

3.2. **Customer Responsibilities and Certain Restrictions on Set-Up Services.** Customer is responsible for providing information in a timely manner and in an appropriate format for Services configuration and entry, and for ensuring the resource(s) assigned for the Set Up process and all Users have adequate computer skills for use of the Services. Customer acknowledges and accepts that configuration of the Services is limited to the extent accommodated by the current capabilities and limitations of the Services. Set up support required beyond the specified Set-Up Services will incur an additional fee upon written notification by Meritage and with agreement by both parties.

4. FEES AND PAYMENT.

4.1. **Fees.** On the Effective Date, Customer will pay Meritage a set-up fee (the "**Set-Up Fee**") as specified in **Attachment A: Description and Pricing of Services** for Set-up Services. In addition, on the Start of Service Date and ending upon the termination of this Agreement, Customer will pay to Meritage a fee for the Services provided under this Agreement ("**Subscription Fees**") as specified in **Attachment A: Description and Pricing of Services**. Any changes in the Fees mutually agreed to by the parties will be made effective the month following the change. Customer will pay the then-current Fees for all other Services added to Customer's Account. On an annual basis or as may be requested from time-to-time by either party, Meritage and Customer will renegotiate the Subscription Fees and Subscription Cap. FEES ARE TO BE CONSIDERED CONFIDENTIAL BY BOTH PARTIES AND NOT TO BE SHARED WITHOUT WRITTEN PERMISSION OR AS REQUIRED BY THE FREEDOM OF INFORMATION ACT.

4.2. **Payment.** All Set Up Fees, Subscription Fees and other fees due under this Agreement (collectively, "**Fees**") are payable in U.S. dollars, unless otherwise specified in writing. Customer shall pay all Fees and any other amounts set forth on each such invoice issued by Meritage under this Agreement within 30 days of the date of invoice.

5. CONFIDENTIALITY.

5.1. **Obligations.** The party receiving Confidential Information (the "**Receiving Party**") from the other party (the "**Disclosing Party**") will not use any Confidential Information of the Disclosing Party for any purpose other than the providing and receipt of Services under this Agreement. The parties agree the use of the Confidential Information will be in accordance with all terms and conditions of this Agreement. The Receiving Party will protect the Disclosing Party's Confidential Information from unauthorized use, access or disclosure in the same manner as the Receiving Party protects its own confidential or proprietary information of a similar nature and with no less than reasonable care.

5.2. **Termination of Obligations.** The Receiving Party's obligations under this Section 5 with respect to any Confidential Information of the Disclosing Party will terminate if and when the Receiving Party can document that such information: (a) was already lawfully known to the Receiving Party at the time of disclosure by the Disclosing Party; (b) is disclosed to the Receiving Party by a third party who had the right to make such disclosure without any confidentiality restrictions; (c) is, or through no fault of the Receiving Party has become, generally available to the public; or (d) is independently developed by the Receiving Party without access to, or use of, the Disclosing Party's Confidential Information. In addition, the Receiving Party will be allowed to disclose Confidential Information of the Disclosing Party to the extent that such disclosure is: (i) approved in writing by the Disclosing Party; (ii) necessary for the Receiving Party to enforce its rights under this Agreement in connection with a legal proceeding; or (iii) required by law or by the order of a court of similar judicial or administrative body, *provided that* the Receiving Party notifies the Disclosing Party of such required disclosure in

writing and cooperates with the Disclosing Party, at the Disclosing Party's reasonable request and expense, in any lawful action to contest or limit the scope of such required disclosure.

5.3. Return of Confidential Information. The Receiving Party will return to the Disclosing Party or destroy all Confidential Information of the Disclosing Party in the Receiving Party's possession or control and permanently erase all electronic copies of such Confidential Information promptly upon the written request of the Disclosing Party or the termination of this Agreement, whichever comes first. At the Disclosing Party's request, the Receiving Party will certify in writing that it has fully complied with its obligations under this Section 5.3. For the purposes of this Section 5, Data, as defined in Section 6 below, shall not be considered Customer's Confidential Information.

6. OWNERSHIP.

6.1. Customer's Ownership. Customer retains all right, title and interest in and to the Customer Information Customer provides to Meritage. Meritage will provide Customer Information in the form of files containing permit data to Customer within 10 business days of written request at no additional charge for up to 4 requests in a one-year period.

6.2. Meritage's Ownership. Meritage retains all right, title and interest in and to, and all Intellectual Property Rights embodied in or related to the Sites, Services, Technology, and any other information or technology used or made available in connection with the Sites or Services, including without limitation any and all improvements, updates, and modifications thereto, whether or not made in conjunction with this Agreement. Meritage's name, logo, and the product and service names associated with the Services are trademarks of Meritage or third parties, and no right or license is granted to Customer to use them separate from Customer's right to access the Services.

7. DATA. Meritage will have the right to collect non-personally identifiable data or information resulting from Customer's use of the Services ("**Data**") solely as necessary to provide the Services to Customer under this Agreement. All such Data will remain the Confidential Information of Customer. Meritage will have the right to collect non-customer identifiable data and information for the purposes of publishing examples of service provided.

7.1. Backup and Recovery. Meritage shall provide the following recovery services:

7.2.1 Hosting infrastructure recovery processes

7.2.2 Application recovery processes

7.2.3 Data backup with rotation and retention. Backups are done daily, the prior month of daily data is retained, each month is retained for a year, and each year retained until termination of the agreement.

8. TERM AND TERMINATION. This Agreement will begin on the Effective Date and will continue in perpetuity until terminated in accordance with the terms of this Agreement. Customer may terminate this Agreement upon notice to Meritage. In the case of such termination, Customer may specify that such termination is effective at any time up to 120 days following notice of such termination by Customer. Either party may terminate this Agreement if the other party breaches this Agreement and does not cure such breach within 60 days after being provided with written notice thereof, provided that in the case of Customer such time period will be extended beyond 60 days if Customer is exercising reasonable efforts to cure such breach during such 60 day period. Upon any termination of this Agreement: (a) all rights and licenses granted to Customer in this Agreement will immediately cease to exist; (b) Meritage may cease performing all Services; (c) all access by Customer and any Users to the Sites and the Services (including all Customer Information) may be suspended; (d) Meritage will discontinue all use of the Customer Information; and (e) all Fees and other amounts incurred under this Agreement prior to such termination or expiration will become immediately due and payable by Customer. Upon the request of Customer following any termination or expiration, Meritage will transfer all Customer Information collected by Meritage either directly to Customer or to Customer's identified third-party partner. Customer shall compensate Meritage for the transfer on a time and materials basis at Meritage's then-current rates and will reimburse all reasonable expenses and costs associated with the transfer. Such expenses and costs shall include, without limitation, travel, consultant costs, hardware expenses, or software costs associated with efforts involved in preparing Customer Information for transfer as well as any costs incurred as part of the physical transfer of Customer Information. Meritage will not be required to issue any refunds for any fees pre-paid in advance. The provisions of Sections 4, 5, 6, 7, 8, 9.2, 10 and 11 of this Agreement will survive termination of the Agreement for any reason.

9. WARRANTIES AND DISCLAIMERS.

9.1. Warranties. Each party represents and warrants to the other party that: (a) such party has all requisite corporate or other applicable power and authority to execute, deliver and perform its obligations under this Agreement; (b) the execution, delivery and performance of this Agreement by such party has been duly authorized; and will not conflict with, result in a breach of, or constitute a default under any other agreement to which such party is a party or by which such

party is bound; and (c) such party will, in such party's performance of this Agreement, comply with all applicable laws, rules and regulations.

9.2. Disclaimers. EXCEPT AS STATED UNDER THIS AGREEMENT, MERITAGE PROVIDES THE SERVICES "AS IS" AND "AS AVAILABLE" AND TO THE MAXIMUM EXTENT PERMITTED BY LAW, SPECIFICALLY DISCLAIMS ALL OTHER WARRANTIES, EXPRESS, IMPLIED OR STATUTORY, REGARDING THE SERVICES, INCLUDING WITHOUT LIMITATION IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE AND NON-INFRINGEMENT. CUSTOMER ACKNOWLEDGES THAT CUSTOMER HAS RELIED ON NO SUCH WARRANTIES IN ENTERING INTO THIS AGREEMENT. FURTHER, MERITAGE DOES NOT WARRANT, GUARANTEE OR MAKE ANY REPRESENTATION REGARDING THE USE, OR THE RESULTS OF THE USE, OF THE SERVICES IN TERMS OF CORRECTNESS, ACCURACY, RELIABILITY OR OTHERWISE.

10. CERTAIN LIABILITIES. Customer will, at Customer's own expense, indemnify, defend, hold harmless and pay all costs, damages and expenses (including reasonable attorneys' fees) awarded against or incurred by Meritage based on any claims, allegations or lawsuits that may be made or filed against Meritage by any person: (a) based on or relating to any breach by Customer of any representation and warranty under this Agreement; or (b) that use by Meritage under this Agreement of Customer's Customer Information, Data or Confidential Information infringes or misappropriates the Intellectual Property Rights of, or has caused harm or damage to, a third party.

10.1. LIMITATION OF LIABILITY. IN NO EVENT WILL EITHER PARTY BE LIABLE TO THE OTHER PARTY FOR ANY INDIRECT, INCIDENTAL, SPECIAL, EXEMPLARY OR CONSEQUENTIAL DAMAGES (INCLUDING WITHOUT LIMITATION PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, LOSS OF USE, DATA, OR PROFITS, OR BUSINESS INTERRUPTION) HOWEVER CAUSED AND ON ANY THEORY OF LIABILITY, WHETHER IN CONTRACT, STRICT LIABILITY OR TORT (INCLUDING NEGLIGENCE OR OTHERWISE), ARISING IN ANY WAY IN CONNECTION WITH OR OUT OF THE USE OF THE SITES OR SERVICES, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGE. EACH PARTY'S TOTAL CUMULATIVE LIABILITY IN CONNECTION WITH THIS AGREEMENT, THE SITES OR THE SERVICES, WHETHER IN CONTRACT OR TORT OR OTHERWISE, WILL NOT EXCEED THE FEES PAID TO MERITAGE HEREUNDER. EACH PARTY ACKNOWLEDGES THAT THE FEES REFLECT THE ALLOCATION OF RISK SET FORTH IN THIS AGREEMENT AND THAT NEITHER PARTY WOULD ENTER INTO THIS AGREEMENT WITHOUT THESE LIMITATIONS ON ITS LIABILITY. IN JURISDICTIONS WHERE LIMITATION OF LIABILITY FOR CONSEQUENTIAL OR INCIDENTAL DAMAGES IS NOT PERMITTED, MERITAGE'S LIABILITY IS LIMITED TO THE MAXIMUM EXTENT PERMITTED BY LAW.

11. GENERAL PROVISIONS. This Agreement will be binding upon the parties to this Agreement and their permitted successors and assigns. Neither party may assign, delegate or transfer this Agreement or any of its rights or obligations (in whole or in part) under this Agreement (whether by operation of law or otherwise) to any third party without the other party's prior written consent. Notwithstanding the foregoing, either party may assign this agreement to any successor in interest to such party's stock, assets or business, whether by way of sale, merger, reorganization or other form of transaction, provided that such party provides the other party with notice of such assignment and that the successor in interest agreed in advance to assume all right, obligations, liabilities, and responsibilities of the assigning party under this Agreement. Any assignment or transfer in violation of the foregoing shall be null and void. Nothing in this Agreement confers or is intended to confer, expressly or by implication, any rights or remedies upon any person or entity not a party to this Agreement. The parties hereto are independent parties, not agents, employees or employers of the other or joint ventures, and neither acquires hereunder any right or ability to bind or enter into any obligation on behalf of the other. Any notice to the other party required or allowed under this Agreement must be delivered in writing by express courier, personal delivery, or by certified mail, postage pre-paid to the address for the party listed in the first paragraph of this Agreement. If any provision of this Agreement is held by a court of competent jurisdiction to be unenforceable, such provision will be changed and interpreted to accomplish the objectives of such provision to the greatest extent possible under applicable law and the remaining provisions of this Agreement will continue in full force and effect. Meritage may use Customer's name as a reference and publicize Customer as a customer of Meritage. In addition, the Services may be subject to limitations, delays, and other problems inherent in the use of the Internet and electronic communications. Meritage is not responsible for any delays, failures, or other damage resulting from such problems. Unless otherwise amended as provided herein, this Agreement will exclusively govern Customer's access to and use of the Services and the Sites and is the complete and exclusive understanding and agreement between the parties, and supersedes any oral or written proposal, agreement or other communication between the parties, regarding Customer's access to and use of the Services and the Sites. This Agreement may be amended or modified only by a writing signed by both parties. All waivers under this Agreement must be in writing. Any waiver or failure to enforce any provision of this Agreement on one occasion will not be deemed a waiver of any other provision or of such provision on any other occasion.

11.1 GOVERNING LAW AND VENUE. This Agreement shall be governed by and construed in accordance with the laws of the State of California without regard to conflicts, and in accordance with applicable federal, state and local law, without

regard to its conflict of law's provisions. Customer agrees that it will only bring any action or proceeding arising from or relating to this Agreement in a federal court in the District of California or in state court in San Diego County, California, and Customer irrevocably submits to the personal jurisdiction and venue of any such court in any such action or proceeding or in any action or proceeding brought in such courts by Meritage.

12. **INSURANCE** Meritage Systems will maintain during the period of this agreement Professional Liability Insurance for Technology and Internet Errors and Omissions and Electronic Media Activities in the amount no less than \$1,000,000 per claim and \$2,000,000 aggregate. Insurance coverage shall be per attached Exhibit B - Certificate of Insurance.

The parties hereby agree to be legally bound by the terms of this Agreement:

FOR CUSTOMER:

FOR MERITAGE SYSTEMS, INC.:

By: _____

By: 

Name: _____

Name: Jim Muller

Title: _____

Title: Director of Sales

Date: _____

Date: February 7, 2018

By: 

Name: Thomas P. Wilkas, CFO

Date: March 6, 2018

This section intentionally left blank.



Thomas P. Wilkas, CFO
March 27, 2018



Tiffany Williamson, CTO
March 27, 2018

Attachment A: Description of Services and Pricing for National City, CA

Below is the budget for the one-time setup and yearly support and licensing fees. Assumptions include number of users and permit volume.

| Applications and Services | Included | One-Time Set-Up Fee | Annual Support & License Fee |
|---|----------|-----------------------|------------------------------|
| Permit Management (see details on inclusions below) Annual Fee Based on Number of Jurisdiction Users | X | \$6,500 * | \$8,000 * |
| ContractorConnect™ Online Permitting: PC, Smartphone and Tablet anywhere, anytime access through web browser by your citizens and contractors to do permit application, payment, status check, inspection scheduling and results. Included in Setup Fee Meritage-Preferred Merchant Account for Credit Card Processing | X | Included in Setup Fee | \$2,000 |
| GIS Integration: Permitting | X | Included in Setup Fee | \$900 |
| Contractor and/or Business Licensing | X | Included in Setup Fee | \$500 |
| Legacy Data Import: Permitting Transfer of historical permit data from legacy system, assumes availability of readable data file or CSV | | \$2,000 (optional) | NA |
| Non-Preferred Merchant Account: additional fee if not a Meritage Systems preferred provider | | \$2,500 (optional) | NA |
| Per Day On-Site Permit System Training | | \$1,500 (optional) | NA |
| Total of All Included (X) Items: | | \$6,500 | \$11,400 |
| Permit Management Inclusions <ul style="list-style-type: none"> • Unlimited Read-Only Users • Permit Management • Address Import Setup • Inspections (including mobile access & when available, InspectorConnect™ app for iOS and Android smartphones and tablets) • Contractor Registration • Plan Review Tracking and simple Planning / Zoning permits and workflows • Reporting and Data Import/Export • Complete configuration of permit types, workflows per permit type, terminology, fee structures, documents and user roles and permissions, contractor and business licensing setup • Permit Docs: Standard set of Permits, CO, TCO configured with your jurisdiction logo and information. Additional custom docs at \$500 per document • Report Generator: Library of standard reports with ability to configure your own. Custom Reports priced individually • Daily backup with rotation • Multiple Online Training sessions for startup and post startup • Personalized support, including periodic configuration updates • Automatic updates of new features | | | |
| * Meritage services to be invoiced and paid as follows: <ul style="list-style-type: none"> ✓ Set-Up Fee and Data Import Fee invoiced on Agreement Effective Date and billed directly from Meritage Systems to National City, CA. ✓ Annual Service fee to be paid through updated Esgil/SAFEbuilt agreement | | | |

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the Mayor to sign the First Amendment to the Agreement between the City of National City and EsGil Corporation to amend Section 5 (Compensation and Payment) to increase compensation b

CITY OF NATIONAL CITY, CALIFORNIA COUNCIL AGENDA STATEMENT

MEETING DATE: April 17, 2018

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Mayor to sign the First Amendment to the Agreement between the City of National City and EsGil Corporation to amend Section 5 (Compensation and Payment) to increase compensation by one percent (1%) from sixty-five percent (65%) to sixty-six percent (66%) to cover the costs of the Meritage Systems, Inc., annual support & license fees. (Funded by monies collected by fees charged during the Plan review and Permit issuance process. (Building/Fire)

PREPARED BY: Frank Parra

DEPARTMENT: Building and Fire

PHONE: |619-336-4551|

APPROVED BY: _____

EXPLANATION:

On September 20, 2016, the City Council adopted Resolution No. 2016-150 entering into an Agreement with EsGil Corporation to provide permit processing, plan reviews, construction inspections of on-site and off-site for a not-to-exceed amount of \$800,000 and a term of August 8, 2016 through August 7, 2019. The original Agreement provided compensation for reviewing building department plans in the amount of sixty-five percent (65%) of the plan checking fee collected by the City for each permit based upon the City's adopted fee schedule. Development Services would like the right to access the Meritage System, Inc. web site for managing all areas of plan submittal and inspection processes; the new permit & inspection tracking system will allow our residents and customers live access to the most current status of their respective plan review and inspection process. Our contract with EsGil can provide the funding for the Meritage System plan check and inspection tracking software. The City and EsGil Corporation agree that an increase by one-percent (1%) to sixty-six percent (66%) is adequate to cover the Meritage Systems, Inc. annual support & license fees. Meritage Systems, Inc. will provide the City with a separate Agreement for Meritage service delivery and any additional fees that may be associated.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. 120-00000-3545 – Revenue account
120-412-028-213-0000 – Professional Services

APPROVED: _____ **MIS**

1% reduction in revenue to the City. This contract is an "as needed" basis and funded by fees collected, developer deposits, and various capital improvement projects.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION: | |

FINAL ADOPTION: | |

STAFF RECOMMENDATION:

Adopt Resolution.

BOARD / COMMISSION RECOMMENDATION:

|

ATTACHMENTS:

First Amendment to the Agreement by and between the City of National City and EsGil Corporation
Resolution

**FIRST AMENDMENT TO THE AGREEMENT
BY AND BETWEEN
THE CITY OF NATIONAL CITY
AND
ESGIL CORPORATION**

THIS FIRST AMENDMENT TO THE AGREEMENT, is entered into this 17th day of April, 2018, by and between the CITY OF NATIONAL CITY, a municipal corporation ("CITY"), and ESGIL CORPORATION, a corporation (the "CONSULTANT").

RECITALS

WHEREAS, on September 20, 2016, the City Council adopted Resolution No. 2016-150 entering into an Agreement with CONSULTANT wherein the CONSULTANT agreed to provide permit processing, plan reviews, construction inspections and code enforcement on-site and off-site services.

WHEREAS, the original Agreement had a not-to-exceed amount of \$800,000 and a term of August 8, 2016 through August 7, 2019.

WHEREAS, the original Agreement had the CONSULTANT's compensation for reviewing building department plans, commonly referred to as plan checking, shall be sixty five-percent (65%) of the plan checking fee collected by the CITY for each permit based upon the CITY's adopted fee schedule in effect at the time of the plan check submittal.

WHEREAS, the CITY desires the right to access a Meritage System, Inc. web site and use the services relating to managing building department services.

WHEREAS, the CONSULTANT provides access to the Meritage System, Inc. web site by paying annual support & license fees.

WHEREAS, the CITY and CONSULTANT agree that an increase by one percent (1%) is adequate to pay CONSULTANT to cover the Meritage Systems, Inc. annual support & license fees.

NOW, THEREFORE, the parties hereto agree that the Agreement entered into on August 8, 2016, shall be amended as follows:

5. COMPENSATION AND PAYMENT

The CONSULTANT's compensation for reviewing building department plans, commonly referred to as plan checking, shall be sixty six-percent (66%) of the plan checking fee collected by the CITY for each permit based upon the CITY's adopted fee schedule in effect at the time of the plan check submittal. Meritage Systems, Inc. will provide the CITY with a separate agreement for Meritage service delivery and any additional fees that may be relevant.

The parties further agree that with the foregoing exception, each and every term and provision of the Agreement dated August 8, 2016, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment to the Agreement on the date and year first above written.

CITY OF NATIONAL CITY

By: _____
Ron Morrison, Mayor

APPROVED AS TO FORM:

Angil P. Morris-Jones
City Attorney

ESGIL CORPORATION

By: _____
Thomas P. Wilkas, CFO

By: _____
Matthew Royer, COO

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City 1) authorizing the Chief of Police to enter into a Memorandum of Agreement with the County of San Diego (San Diego Sheriff's Department and Probation Department) and municipal law enforcement age

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO. |

ITEM TITLE:

Resolution of the City Council of the City of National City 1) authorizing the Chief of Police to enter into a Memorandum of Agreement with the County of San Diego (San Diego Sheriff's Department and Probation Department) and municipal law enforcement agencies throughout the County for program support of the Regional Realignment Response Group (R3) for the program period retroactive from July 1, 2017 to June 30, 2022, and 2) authorizing the acceptance of the grant funds & the establishment of an appropriation and corresponding revenue budget for the R3 grant in the amount of \$45,000. |

PREPARED BY: Manuel Rodriguez, Chief of Police

DEPARTMENT: Police

PHONE: Ext. 4511

APPROVED BY: Manuel Rodriguez

Digitally signed by Manuel Rodriguez
DN: cn=Manuel Rodriguez, o=City of National City, ou=City of National City, email=manuel.rodriguez@cityofnc.org, c=US
Date: 2018.04.17 13:03:22 -0700

EXPLANATION:

Refer to Attachment. |

FINANCIAL STATEMENT:

APPROVED: Mark Ralvito Finance

ACCOUNT NO.

APPROVED: _____ MIS

Revenue: 290-11647-3463

(Other State Grants) \$45,000

Expense: 290-411-647-1*

(Personnel) \$45,000

No net financial impact. Revenues off-set expenses. |

ENVIRONMENTAL REVIEW:

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Approve Resolution. |

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Staff Report
MOU |



NATIONAL CITY POLICE DEPARTMENT

STAFF REPORT

DATE: April 3, 2018

SUBJECT: Resolution of the City Council of the City of National City authorizing the Chief of Police to enter into the Memorandum of Agreement with the County of San Diego (San Diego Sheriff's Department and Probation Department) and municipal law enforcement agencies throughout the County, for program support of the Regional Realignment Response Group (R3)

SUMMARY

It is recommended the City Council approve the Resolution of the City Council of the City of National City to authorize the Chief of Police to enter into the Memorandum of Agreement with the County of San Diego and municipal law enforcement agencies for program support of the Regional Realignment Group (R3). The agreement period is July 1, 2017 to June 30, 2022 resulting in reimbursement of \$45,000 to the City of National City.

BACKGROUND

The National City Council passed and adopted the original Memorandum of Agreement on January 21, 2014 (Resolution No. 2014-03) authorizing the Chief of Police to enter into a Memorandum of Agreement with the County of San Diego (San Diego Sheriff's Department and Probation Department) and municipal law enforcement agencies throughout the County for program support of the Regional Realignment Response Group (R3). The National City Police Department received grant funds in the amount of \$31,539 in 2014 from the Community Corrections Partnership (R3) to support R3 and its primary goal of public safety.

The National City Council passed and adopted the original Memorandum of Agreement on September 6, 2016 (Resolution No. 2016-03) authorizing the Chief of Police to enter into a Memorandum of Agreement with the County of San Diego (San Diego Sheriff's Department and Probation Department) and municipal law enforcement agencies throughout the County for program support of the Regional Realignment Response Group (R3). The National City Police Department was allocated and received grant funds in the amount of \$45,000



and the total expense has not been finished to support R3 and its primary goal of public safety.

CURRENT AGREEMENT

The Memorandum of Agreement is in effect from July 1, 2017 through June 30, 2022 with the County of San Diego (San Diego Sheriff's Department and Probation Department) for the Regional Realignment (AB109) Group. As part of this agreement, the National City Police Department will continue to receive grant funding in an amount to be determined but estimated at \$45,000. The funds shall be used to support R3 and its primary goal of public safety by developing and implementing targeted, proactive, intelligence-based approach to control and counteract the risks associated with realigned offenders and Post Release Community Supervision Offenders, released into San Diego County.

IMPACT

None. Revenue to the City in the amount of \$45,000.

**AGREEMENT FOR THE
REGIONAL REALIGNMENT RESPONSE (R3) PROGRAM**

1. PARTIES TO THE AGREEMENT

This Agreement is between the COUNTY OF SAN DIEGO ("COUNTY"), the CITY OF CARLSBAD, the CITY OF CHULA VISTA, the CITY OF CORONADO, the CITY OF EL CAJON, the CITY OF ESCONDIDO, the CITY OF LA MESA, the CITY OF NATIONAL CITY, the CITY OF OCEANSIDE, the CITY OF SAN DIEGO (collectively the "CITIES"), collectively the "PARTIES", for program support of the Regional Realignment Response ("R3").

1.1 Party Departments or Agencies Participating in the Agreement

1.1.1 For the COUNTY, participating agencies are the Sheriff's Department ("SHERIFF") and the Probation Department ("PROBATION").

1.1.2 For the CITIES, participating agencies are their respective police departments.

The services and obligations of PARTIES and their participating agencies are set forth herein.

2. RECITALS

- 2.1** WHEREAS, in April 2011, Governor Edmund G. Brown, Jr. signed Assembly Bill (AB) 109 to help California stop the costly, ineffective, and unsafe revolving door of lower-level offenders and parole violators cycling in and out of state prisons. This legislation gives local law enforcement the right and the ability to manage offenders in smarter and cost-effective ways; and
- 2.2** WHEREAS, in December 2013, COUNTY through SHERIFF implemented the Regional Realignment Response (R3) program in response to the passage of AB 109 and received funds from the State of California Local Revenue Fund 2011, Community Corrections Subaccount and continues to receive funds annually to continue the R3 program; and
- 2.3** WHEREAS, in March 2014, PARTIES executed the Agreement for the 2013 Regional Realignment Response (R3) for the initial term of December 31, 2013 through December 31, 2014; and
- 2.4** WHEREAS, in January 2015, PARTIES executed Amendment No.1 where Paragraph 3.1 provides that "(t)he term of this Agreement shall be December 31, 2013 and shall continue in effect through and terminate at midnight on December 31, 2015 subject to the termination provision in sections 3.2..."; and

- 2.5 WHEREAS, in May 2015, PARTIES executed Amendment No. 2 to increase each CITY'S allocation for personnel overtime; and
- 2.6 WHEREAS, in August 2015, PARTIES executed Amendment No. 3 to extend the Agreement from December 31, 2015 to June 30, 2016; and
- 2.7 WHEREAS, in October 2016, PARTIES executed the Agreement for the 2016 Regional Realignment Response (R3) for the initial term of July 1, 2016 through December 31, 2017; and
- 2.8 WHEREAS, in June 2016, the COUNTY and the CITY OF EL CAJON executed Amendment No. 4 to increase the CITY'S allocation for personnel overtime; and
- 2.9 WHEREAS, funds shall be used to support the R3 program and its primary goal of public safety by developing and implementing a targeted, proactive, intelligence-based approach to control and counteract the risks associated with realigned offenders (which include those sentenced pursuant to California Penal Codes 1170(h)(5)(A) PC and 1170(h)(5)(B) PC and Post Release Community Supervision Offenders) released into San Diego County.
- 2.10 WHEREAS, Government Code §55632 authorizes COUNTY through SHERIFF and PARTIES, to contract with SHERIFF for provision of joint law enforcement services.
- 2.10.1 WHEREAS, COUNTY has requested PARTIES assistance in performing R3 operations and will reimburse PARTIES for overtime-only expenses incurred collectively by PARTIES in R3 program operations not to exceed \$1,000,000 during the term of the Agreement.
- 2.11 WHEREAS, PARTIES desire to enter into an agreement with provisions concerning the nature and extent of R3 collaboration, services rendered, and compensation.
- 2.12 WHEREAS, COUNTY, by action of the Board of Supervisors Minute Order No. 3 dated June 28, 2016, approved and authorized the SHERIFF to enter into expenditure contracts related to the R3 program and to reimburse overtime expenses incurred collectively by PARTIES performing R3 program Operations in fiscal year 2016 and subsequent years.
- 2.13 PARTIES agree to maintain documentation as required in paragraph 7.3 Method of Payment, supporting all expenditures reimbursed from R3 program funds, for a period of five years, with five years beginning the day after the end of the project period, e.g., if the end of the project period is June 30, 2018, five years begins July 1, 2018 and ends June 30, 2023.

#

NOW THEREFORE, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, PARTIES jointly intend that COUNTY through SHERIFF will reimburse, and PARTIES will provide, a level of R3 services, as set forth in this Agreement.

3. PURPOSE AND INTENT

The purpose of this Agreement is to satisfy the R3's goal of ensuring public safety in the post AB 109 environment by the continued development and implementation of a targeted, proactive, intelligence-based approach to control and counteract the risks associated with a population of offenders placed under the responsibility of the county.

4. SCOPE OF SERVICES

4.1 Method of Service Delivery

SHERIFF will maintain the R3 program funding and will be administratively responsible for coordination of PARTIES' obligations and reimbursement to PARTIES' under this Agreement.

4.2 Overview of Basic Services

PARTIES will provide R3 operations ("Operations") in their designated areas of jurisdiction and/or in coordination with other R3 PARTIES in order to counteract the risks associated with realigned offenders released into San Diego County.

4.2.1 Framework of Operations

The Regional Realignment Response Group (R3G), consisting of designated coordinators from each PARTY, as outlined in paragraph 6.2.3, will oversee R3 Operations and will meet every six (6) months to discuss and plan Operations.

4.2.2 Regional Sub-Group

Regional Sub-Groups (RSGs) are created for the Northern, Central, and Southern areas of the County. The RSGs are responsible for planning and coordinating allied or regional Operations involving two or more PARTIES. The RSGs are composed of the following:

NORTHERN: A police lieutenant from the cities of Escondido, Carlsbad, and Oceanside, a lieutenant from SHERIFF, and a supervising probation officer from PROBATION.

CENTRAL: A police lieutenant from the cities of San Diego, El Cajon, and La Mesa, a lieutenant from SHERIFF, and a supervising probation officer from PROBATION.

SOUTHERN: A police lieutenant from the cities of San Diego, National City, and Chula Vista, a lieutenant from SHERIFF, a commander from the city of Coronado, and a supervising probation officer from PROBATION.

#

5. TERM OF AGREEMENT

5.1 Initial Term

This Agreement shall be effective July 1, 2017 and shall continue in effect through and terminate at midnight on June 30, 2022, or until terminated pursuant to sections 5.2, subject to availability of funds, and 5.3 below.

5.2 Option to Extend

COUNTY shall have the option to renew this Agreement for successive one year increments beyond June 30, 2022. Renewal or extension of the Agreement beyond June 30, 2022 shall be subject to available funding.

5.3 Termination

Subject to the applicable provisions of state law, each PARTY may terminate its participation in this Agreement upon ninety (90) days minimum written notice to the other PARTIES. Lack of funding may also result in termination of this agreement pursuant to section 10.13.

6. STANDARDS OF SERVICE: OBLIGATIONS OF THE PARTIES

6.1 Anticipated Outcome

The anticipated outcome of the R3 Operations, provided by PARTIES under this Agreement, is increased law enforcement presence in each respective PARTY's designated area of jurisdiction in order to counteract the risks associated with realigned offenders released into San Diego County. The anticipated outcome will be reached by achieving the goals and accomplishing the missions set forth below by the PARTIES.

6.1.1 PARTIES will provide enhanced enforcement by increasing patrol presence in areas where realigned offenders reside, jurisdictions where they are released, and areas they are known to frequent. This patrol presence will include 4th waiver searches, probation compliance checks, directed patrol, and coordinated multi-agency sweeps. In addition, PARTIES will utilize their unique investigatory areas of expertise in Operations.

6.1.2 Increase intelligence/information sharing among PARTIES, including but not limited to the following activities:

- (a) Utilize Criminal Intelligence Analysts, dedicated to the R3 program, located at the San Diego Law Enforcement Coordination Center (SD-LECC). The SD-LECC will serve as the centralized clearinghouse for information and documentation of realigned offender post-release packets.
- (b) Conduct meetings every six (6) months with a minimum of one (1) representative from each PARTY.
- (c) Increase information sharing during Operations.

- 6.1.3** Prior to R3 Operations, an Operations Plan must be approved by the R3designated coordinators. The Operations Plan shall be submitted by the operations coordinator via email to R3@sdsheriff.org at least seventy-two (72) hours prior to the Operation.
- 6.1.4** At the conclusion of each R3 Operation, participating PARTY shall complete a Daily Activity Report (DAR). The DAR will be submitted to the PARTY'S designated coordinator.
- 6.1.5** The designated coordinator shall email the following to R3@sdsheriff.org:
- (a) A completed OVERALL Operation Statistics form
 - (b) All completed DAR forms received from personnel
 - (c) A completed Operation Roster which includes all personnel assigned to the Operation and sign in and sign out times.

6.2 Personnel Qualifications and Assignment

6.2.1 Qualifications

Each PARTY shall ensure that personnel assigned to perform Operations pursuant to this Agreement meet the minimum qualification for their specific classification.

6.2.2 Management, Direction and Supervision

The hiring, firing, management, direction, and supervision of each PARTY's personnel, the standards of performance, the discipline of each PARTY'S personnel, and all other matters incident to the performance of such services, shall be performed by and be the responsibility of each PARTY in each PARTY's sole but reasonable judgment and in accord with the provisions of applicable labor agreements. Each PARTY shall be the appointing authority for all its personnel provided to the R3 program by this Agreement. PARTIES shall have no liability for any direct payment of salary, wages, indemnity, or other compensation or benefit to any other PARTY's personnel engaged in performing this Agreement.

6.2.3 Designated Coordinators

SHERIFF shall select and designate a coordinator who shall manage and direct the R3 program. Each other PARTY shall select and designate a coordinator under this Agreement. The designated coordinators for each PARTY shall represent their agency on the R3 outlined in Section 4.2, perform the activities outlined in Section 6.1.5 and implement, as needed, appropriate procedures governing the performance of all requirements under this Agreement and shall be responsible for meeting and conferring in good faith in order to address any disputes which may arise concerning implementation of this Agreement.

6.2.4 Staffing for Basic Services

PARTIES shall ensure that adequate numbers of their qualified respective personnel are provided to R3 program Operations at all times during the term of this Agreement to meet the Basic Services, Scope of Services, and Standards of Service commitments set forth herein.

6.2.5 Equipment and Supplies

Each PARTY will supply its own personnel with all supplies and/or prescribed safety gear, body armor, and/or standard issue equipment necessary to perform R3 program Operations under this agreement.

7. COST OF SERVICES/CONSIDERATION

7.1 General

As full consideration for the satisfactory performance and completion by PARTIES of Operations set forth in this Agreement, COUNTY through SHERIFF shall reimburse PARTIES for personnel assigned to perform R3 program Operations on the basis of claims and submittals as set forth hereunder. Such payments by COUNTY through SHERIFF are dependent on the continued availability of funds from the State of California Local Revenue Fund, Community Corrections Subaccount.

7.2 Personnel Costs/Rate of Compensation

During the term of this Agreement, COUNTY through SHERIFF shall reimburse PARTIES for overtime worked by personnel assigned to perform R3 program Operations based upon available funding and the actual costs incurred by PARTIES to provide Operations under this Agreement.

7.3 Method of Payment

PARTIES shall submit correct and complete reimbursement forms, labor reports, and timesheets, as documentation that represents amounts due under this Agreement to SHERIFF no later than the final business day of the subsequent month from the month being claimed. All requests for reimbursement shall be sent to:

San Diego County Sheriff's Department
O-41 Grants Unit (R3)
P. O. Box 939062
San Diego, CA 92193-9062

7.3.1 Reimbursement forms, labor reports, and timesheets must have the signature of PARTY's designated coordinator or his or her designee, certifying that the invoice, labor reports, and timesheets are true and correct.

7.3.2 PARTIES shall provide payroll records for every person whose costs are reimbursable under this Agreement, to include, at a minimum, the person's name, classification, duty position, task, regular hourly rate, overtime-hourly rate, overtime hours worked, date overtime worked, and fringe benefit rate and cost. PARTIES shall make available to SHERIFF for inspection, upon request,

all payroll records and any other records that relate to the Basic Services provided under this Agreement.

7.3.3 Within sixty (60) business days upon receipt of valid invoice and complete documentation, SHERIFF will reimburse PARTIES for the Basic Services agreed to.

7.3.4 Each PARTY is responsible for tracking the claims submitted by their agency to ensure their total claim does not exceed the allocation for their agency.

8. INDEMNIFICATION - WORKERS COMPENSATION, EMPLOYMENT AND CLAIMS AND LIABILITY ISSUES

8.1 The COUNTY shall fully indemnify and hold harmless non-County PARTIES and their respective officers, employees, and agents, from any claims, losses, fines, expenses (including attorneys' fees and court costs and/or arbitration costs), costs, damages or liabilities arising from or related to (1) any workers' compensation claim or demand or other workers' compensation proceeding arising from or related to, or claimed to arise from or relate to, employment which is brought by an employee of the COUNTY or any contract labor provider retained by the COUNTY, or (2) any claim, demand, suit, or other proceeding arising from or related to, or claimed to arise from or relate to, the status of employment (including without limitation, compensation, demotion, promotion, discipline, termination, hiring, work assignment, transfer, disability, leave or other such matters) which is brought by an employee of the COUNTY or any contract labor provider retained by the COUNTY.

8.2 Each non-County PARTY shall fully indemnify and hold harmless the COUNTY, its officers, employees, and agents, from any claims, losses, fines, expenses (including attorneys' fees and court costs or arbitration costs), costs, damages or liabilities arising from or related to (1) any workers' compensation claim or demand or other workers' compensation proceeding arising from or related to, or claimed to arise from or relate to, employment which is brought by an employee of that respective agency or any contract labor provider retained by that respective agency, or (2) any claim, demand, suit, or other proceeding arising from or related to, or claimed to arise from or relate to, the status of employment (including without limitation, compensation, demotion, promotion, discipline, termination, hiring, work assignment, transfer, disability, leave or other such matters) which is brought by an employee of that respective agency or any contract labor provider retained by that respective agency.

8.3 Each non-County PARTY shall fully indemnify and hold harmless the other non-County PARTIES, its officers, employees, and agents, from any claims, losses, fines, expenses (including attorneys' fees and court costs or arbitration costs), costs, damages or liabilities arising from or related to (1) any workers' compensation claim or demand or other workers' compensation proceeding arising from or related to, or claimed to arise from or relate to, employment which is brought by an employee of that respective agency or any contract labor provider retained by non-County party, or (2) any claim,

demand, suit, or other proceeding arising from or related to, or claimed to arise from or relate to, the status of employment (including without limitation, compensation, demotion, promotion, discipline, termination, hiring, work assignment, transfer, disability, leave or other such matters) which is brought by an employee of that respective law enforcement agency or any contract labor provider retained by the law enforcement agency.

9. INDEMNIFICATION RELATED TO ACTS OR OMISSIONS; NEGLIGENCE

9.1 Claims Arising From Sole Acts or Omissions of a PARTY

Each PARTY to this Agreement hereby agrees to defend and indemnify the other PARTIES to this Agreement, their agents, officers, and employees, from any claim, action, or proceeding against the other PARTIES, arising solely out of its own acts or omissions in the performance of this Agreement. At each PARTY's sole discretion, each PARTY may participate at its own expense in the defense of any claim, action, or proceeding, but such participation shall not relieve any PARTY of any obligation imposed by this Agreement. PARTIES shall notify each other promptly of any claim, action, or proceeding and cooperate fully in the defense.

9.2 Claims Arising From Concurrent Acts or Omissions

The PARTIES hereby agree to defend themselves from any claim, action, or proceeding arising out of the concurrent acts or omissions of the PARTIES. In such cases, PARTIES agree to retain their own legal counsel, bear their own defense costs, and waive their right to seek reimbursement of such costs, except as provided in paragraph 9.4 below.

9.3 Joint Defense

Notwithstanding paragraph 9.2 above, in cases where PARTIES agree in writing to a joint defense, PARTIES may appoint joint defense counsel to defend the claim, action, or proceeding arising out of the concurrent acts or omissions of PARTIES. Joint defense counsel shall be selected by mutual agreement of PARTIES. PARTIES agree to share the costs of such joint defense and any agreed settlement in equal amounts, except as provided in section 9.4 below. PARTIES further agree that no PARTY may bind the others to a settlement agreement without the written consent of the others.

9.4 Reimbursement and/or Reallocation

Where a trial verdict or arbitration award allocates or determines the comparative fault of the parties, PARTIES may seek reimbursement and/or reallocation of defense costs, settlement payments, judgments and awards, consistent with such comparative fault.

10. GENERAL PROVISIONS

10.1 Independent Contractor Status

10.1.1 In the performance of services under this Agreement, COUNTY and CITIES acknowledge and agree that COUNTY and its respective officers, agents and/or employees shall be deemed independent contractors and not officers,

agents or employees of CITIES; CITIES and their respective officers, agents and/or employees shall be deemed independent contractors and not officers, agents or employees of COUNTY. All such personnel provided by COUNTY under this Agreement are under the direct and exclusive supervision, daily direction, and control of COUNTY and COUNTY assumes full responsibility for the actions of such personnel in the performance of services hereunder; all such personnel provided by CITIES under this Agreement are under the direct and exclusive supervision, daily direction, and control of their respective agencies and each agency assumes full responsibility for the actions of such personnel in the performance of services hereunder.

10.1.2 COUNTY and CITIES acknowledge and agree that COUNTY does not control the manner and means of performing the work of CITIES' officers, agents or employees who perform R3 program Operations, nor does COUNTY have the right to hire or fire such officers, agents or employees. CITIES do not control the manner and means of performing the work of COUNTY officers, agents or employees who perform R3 program Operations, nor do CITIES have the right to hire or fire such officers, agents or employees.

10.1.3 COUNTY has no authority of any kind to bind CITIES, and CITIES have no authority to bind COUNTY in any respect whatsoever, nor shall COUNTY act or attempt to act, or represent itself directly or by implication as an agent of CITIES, or in any manner assume or create or attempt to assume or create any obligation on behalf of or in the name of CITIES. CITIES shall not act or attempt to act, or represent themselves directly or by implication as an agent of COUNTY, or in any manner assume or create or attempt to assume or create any obligation on behalf of or in the name of COUNTY.

10.2 Notices

Any notice, request, demand, or other communication required or permitted hereunder shall be in writing and may be personally delivered or given as of the date of mailing by depositing such notice in the United States mail, first-class postage prepaid and addressed as follows or, to such other place as each party may designate by subsequent written notice to each other:

To COUNTY and SHERIFF:

Sheriff
San Diego County Sheriff's Department
P. O. Box 939062
San Diego, CA 92193

Chief Probation Officer
Probation Department
9444 Balboa Avenue, Ste. 500
San Diego, CA 92123

#

To non-County PARTIES:

Chief of Police
Carlsbad Police Department
2560 Orion Way
Carlsbad, CA 92010

Chief of Police
Chula Vista Police Department
315 Fourth Avenue
Chula Vista, CA 91910

Chief of Police
Coronado Police Department
700 Orange Avenue
Coronado, CA 92118

Chief of Police
El Cajon Police Department
100 Civic Center Way
El Cajon, CA 92020

Chief of Police
Escondido Police Department
1163 North Centre City Parkway
Escondido, CA 92026

Chief of Police
La Mesa Police Department
8085 University Avenue
La Mesa, CA 91942

Chief of Police
National City Department
1200 National City Boulevard
National City, CA 91950

Chief of Police
Oceanside Police Department
3855 Mission Avenue
Oceanside, CA 92058

Chief of Police
San Diego Police Department
1401 Broadway
San Diego, CA 92101

A notice shall be effective on the date of personal delivery if personally delivered before 5:00p.m. on a business day or otherwise on the first business day following personal delivery; or two (2) business days following the date the notice is postmarked, if mailed; or on the first business day following delivery to the applicable overnight courier, if sent by overnight courier for next business day delivery and otherwise when actually received.

10.3 Amendment

This Agreement may be modified or amended only by a written document signed by the COUNTY through SHERIFF and the affected PARTY or PARTIES, and no oral understanding or agreement shall be binding on any PARTY or PARTIES.

10.4 Entire Agreement

This Agreement constitutes the complete and exclusive statement of agreement between the COUNTY and non-County PARTIES with respect to the subject matter hereto. As such, all prior written and oral understandings are superseded in total by this Agreement.

#

10.5 Construction

This Agreement will be deemed to have been made and shall be construed, interpreted, governed, and enforced pursuant to and in accordance with the laws of the State of California. The headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand, or limit the terms of the Agreement and shall not be construed against any one PARTY.

10.6 Waiver

A waiver by COUNTY or non-County PARTIES of a breach of any of the covenants to be performed by COUNTY or non-County PARTIES shall not be construed as a waiver of any succeeding breach of the same or other covenants, agreements, restrictions, or conditions of this Agreement. In addition, the failure of any party to insist upon strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by COUNTY or non-County PARTIES of either performance or payment shall not be considered a waiver of PARTY's preceding breach of this Agreement.

10.7 Authority to Enter Agreement

COUNTY and non-County PARTIES have all requisite power and authority to conduct their respective business and to execute, deliver, and perform the Agreement. Each PARTY warrants that the individuals who have signed this Agreement have the legal power, right, and authority to make this Agreement and to bind each respective PARTY.

10.8 Cooperation

COUNTY through SHERIFF and non-County PARTIES will cooperate in good faith to implement this Agreement.

10.9 Counterparts

This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument. COUNTY through SHERIFF will provide each non-County PARTY with a copy of this Agreement once fully executed.

10.10 Severability

This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any Court or other legal authority, or is agreed upon by the PARTIES, to be in conflict with any law or regulation, then the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of this Agreement to any PARTY is lost, then the Agreement may be terminated at the option of the affected PARTY, with the notice as required in this Agreement. In all other cases, the remainder of this Agreement shall be severable and shall continue in full force and effect.

#

10.11 Representation

Each PARTIES' Chief, or their respective designee, shall represent their agency in all discussions pertaining to this Agreement. SHERIFF, or his or her designee, shall represent SHERIFF in all discussions pertaining to this Agreement.

10.12 Dispute Resolution Concerning Services and Payment

In the event of any dispute concerning services and payment arising from this Agreement, the SHERIFF, or his or her designee, and PARTIES' Chief of Police, or his or her respective designee, will meet and confer within ten (10) business days after receiving notice of the dispute to resolve the dispute.

10.13 Termination of Funding

In the event that funding for reimbursement of costs related to R3 program Operations is terminated, this Agreement in its entirety shall be considered null and void and PARTIES shall no longer be required to provide R3 program Operations as described herein. In such event, COUNTY through SHERIFF shall notify all PARTIES in writing and all PARTIES shall meet immediately, and if agreed upon by the PARTIES, mutually develop and implement within a reasonable time frame, a transition plan for the provision of R3 program Operations through alternate means.

10.14 Obligation

This Agreement shall be binding upon the successors of the PARTIES.

10.15 California Law

This Agreement is executed and delivered within the State of California and the rights and obligations of the PARTIES hereto shall be construed and enforced in accordance with, and governed by the laws of the State of California.

IN WITNESS WHEREOF, the PARTIES hereto approve and agree to the terms of this Agreement, such Agreement being effective July 1, 2017 and executed on this _____ day of _____, 2018.

**COUNTY OF SAN DIEGO
SHERIFF'S DEPARTMENT**

William D. Gore
Sheriff

CARLSBAD POLICE DEPARTMENT

Neil Gallucci
Chief

**COUNTY OF SAN DIEGO
PROBATION DEPARTMENT**

Adolfo Gonzales
Chief

CHULA VISTA POLICE DEPARTMENT

Roxana Kennedy
Chief

#

CORONADO POLICE DEPARTMENT

Jon Froomin
Chief

ESCONDIDO POLICE DEPARTMENT

Craig Carter
Chief

NATIONAL CITY POLICE DEPARTMENT

Manuel Rodriguez
Chief

SAN DIEGO POLICE DEPARTMENT

David Nisleit
Chief

Approved as to form and legality:
SAN DIEGO COUNTY COUNSEL

Mark Day
Senior Deputy

CITY OF EL CAJON

Douglas Williford
City Manager

LA MESA POLICE DEPARTMENT

Walt Vasquez
Chief

OCEANSIDE POLICE DEPARTMENT

Frank McCoy
Chief

CITY OF SAN DIEGO

Kevin Faulconer (or designee)
Mayor

Approved as to form:
**MARA W. ELLIOTT, SAN DIEGO
CITY ATTORNEY**

By Deputy City Attorney

#

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City: 1) accepting the work performed by Dick Miller, Inc. for the Plaza Boulevard Widening “N” Avenue to I-805, CIP No. 16-01; 2) ratifying the execution of Change Order No. 50 in the amount of \$183,

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City: 1) accepting the work performed by Dick Miller, Inc. for the Plaza Boulevard Widening "N" Avenue to I-805, CIP No. 16-01; 2) ratifying the execution of Change Order No. 50 in the amount of \$183,135.00 for additional asphalt repairs; 3) approving the final contract amount of \$2,082,354.67; 4) ratifying the release of retention in the amount of \$104,117.73; and 5) ratifying the filing of the Notice of Completion for the project.

PREPARED BY: Jose Lopez, Assistant Engineer - Civil

DEPARTMENT: Engineering/Public Works

PHONE: 619-336-4312

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____ Finance

APPROVED: _____ MIS

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Adopt Resolution accepting the work performed by Dick Miller, Inc. for the Plaza Boulevard Widening "N" Avenue to I-805, CIP No. 16-01 and approving the final contract amount of \$2,082,354.67.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Notice of Completion
3. Final Contract Balance Report
4. Resolution

EXPLANATION

The project is the first phase of enhancements to Plaza Boulevard. This project widened Plaza Boulevard between "N" Avenue to I-805 to construct a 6-lane regional arterial. The general scope of work included adding travel lanes to expand roadway capacity and improve traffic flow, traffic signal modifications for safety and operations, pedestrian/ADA enhancements, street lighting, new concrete medians, and utility undergrounding.

On December 17, 2015, the bid solicitation was posted on PlanetBids, a free public electronic bidding system for contractors. On December 18, 2015 and December 28, 2015, the bid solicitation was advertised in local newspapers.

On January 19, 2016, nine (9) bids were received electronically on PlanetBids by the 3:00 p.m. deadline. Bid results were available immediately after the 3:00 p.m. deadline. Dick Miller, Inc. was the apparent lowest bidder with a total bid amount of \$1,894,498.10 as the basis of bid award.

Upon review of all documents submitted and reference checks, Dick Miller, Inc.'s bid was found to be responsive, and they were the lowest responsible bidder qualified to perform the work as described in the project specifications.

On February 2, 2016, the City Council adopted Resolution No. 2016-15 awarding the contract to Dick Miller, Inc., in the not-to-exceed amount of \$1,894,498.10 and authorized a 15% contingency in the amount of \$284,174.72 for any unforeseen changes.

The Notice to Proceed with construction was issued on April 4, 2016. Construction started on April 4, 2016 and was completed on August 1, 2017.

The change orders issued for this project are detailed in the Final Contract Balance Report (see attached). The change orders increased the contract by \$326,923.22, while line item adjustments decreased the contract by \$139,066.65 for a net increase of \$187,856.57 to the contract. This results in a 9.9% contract increase for a final contract balance of \$2,082,354.67.

Change Order No. 50 was executed in the amount of \$183,135.00 in order to provide additional roadway repairs needed along Plaza Blvd, after site evaluations conducted by City staff in conjunction with our geotechnical and material testing consultant, determined the 2" grind and overlay per the contract would not be sufficient to repair the failing sections of asphalt within the project limits. City Council action to ratify this change order is needed, as the amount exceeds the \$50,000 threshold. As previously mentioned, the total contract increase, inclusive of Change Order No. 50, was 9.9%; well within the allowed 15% contingency previously approved.

As a result of satisfactory completion of the project, staff recommends that City Council, 1) accept the work of Dick Miller, Inc. for the Plaza Boulevard Widening "N" Avenue to I-

805, CIP No. 16-01; 2) ratify the execution of Change Order No. 50 in the amount of \$183,135.00 for additional asphalt repairs; 3) approve the final contract amount of \$2,082,354.67; 4) ratify the release of retention in the amount of \$104,117.73; and 5) ratify the filing of the Notice of Completion for the project.

The Notice of Completion has been filed with the San Diego County Recorder's Office.

RECORDING REQUESTED BY
WHEN RECORDED MAIL TO:
NAME: CITY OF NATIONAL CITY
ADDRESS: 1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CA 91950

NOTICE OF COMPLETION

CALIFORNIA CIVIL CODE SECTION 3093

NOTICE IS HEREBY GIVEN of the completion on August 2, 2017 of the Plaza Boulevard Widening "N" Avenue to I-805, CIP No. 16-01

Work of improvement or portion of work of improvement under construction or alteration.

Along E. Plaza Blvd between "N" Avenue and I-805 in National City, CA 91950

Street Address

City

State

Zip Code

The undersigned owns the following interest or estate in said property: _____

Owner in fee

Nature of the interest or estate of owner (mortgagor, lessee, etc.)

Said work of improvement was performed on the property pursuant to a contract with

Dick Miller, Inc.

Name of Original Contractor

The following work and material were supplied: Labor provided: general laborer. Materials: concrete, asphalt, and signing and striping. Equipment: demolition, grading, paving and excavation equipment.

General statement of kind of labor, services, equipment or materials

The names and addresses of co-owners are: N/A

Joint tenants, tenants in common, or other owners

Dated: August 2, 2017;

Signature of Owner

City of National City, 1243 National City Blvd., National City, CA 91950

I, the undersigned, say: I have read the foregoing Notice of Completion and know the contents thereof; the same is true of my own knowledge. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 2, 2017 at, National City, California.

Signature: _____

RON MORRISON, MAYOR

Noe 16-01



FINAL CONTRACT BALANCE

DATE: March 6, 2018
PROJECT: PLAZA BLVD WIDENING "N" AVENUE TO I-805
FY 17
CIP No. 16-01

TO: Dick Miller Inc.
930 Boardwalk # G
San Marcos, CA 92078

| | |
|---------------------------|------------------|
| ORIGINAL CONTRACT AMOUNT: | \$1,894,498.10 |
| START DATE: | April 4, 2016 |
| COMPLETION DATE: | August 1, 2017 |
| ORIGINAL CONTRACT LENGTH: | 200 Working Days |
| SDGE DELAY: | 89 Working Days |
| EXTENTION OF WORK DAYS: | 42 Working Days |
| TOTAL CONTRACT TIME: | 331 Working Days |

DESCRIPTION:

The Final Contract Balance reports final line item amounts and summarizes all change orders to produce a final contract amount.

CHANGE ORDERS AND LINE ITEM ADJUSTMENTS:

Change Order #1. The original plans did not account for the relocation of backflow preventers and removing a tree at 1539 E. Plaza Blvd. Under direction of the Engineer the Contractor proceeded with relocating 3 backflow preventers and removing and disposing of a Cupania tree. This Change Order resulted in a change to the contract in the amount of **\$ 5,181.84.**

Change Order #2. The original plans did not account for the additional grading needed at the back of sidewalk to meet the new grades. Under direction of the Engineer the Contractor is to proceed with additional grading, irrigation and landscaping at 1401 E. Plaza Blvd. This Change Order resulted in a change to the contract amount by **\$ 9,960.36.**

Change Order #3. To accommodate the next phase of traffic control the #2 westbound lane on Plaza Blvd. from Palm Ave. to N Ave. had to be edge grind to smooth for traffic. Under direction of the Engineer the Contractor proceeded with an edge grind on the #2 lane under time and materials. This Change Order total amount was **\$ 1,036.82.**

FINAL CONTRACT BALANCE

Plaza Blvd Widening "N" Avenue to I-805

CIP No. 16-01

Change Order #4. At the NE corner of Palm Ave. and Plaza Blvd. a palm tree had to be removed to accommodate the new traffic signal equipment and sidewalk. Under direction of the Engineer the Contractor proceeded under time and materials. This Change Order total amount was **\$ 1,148.68.**

Change Order #5. Additional traffic control, signing and striping was required to accommodate two lanes in the westbound direction from I-805 to Palm Ave. (Stage 1A per Dokken Revised Plan). Under direction of the Engineer the Contractor is to proceed with additional signing and striping from Palm Ave. to I-805. This Change Order total amount was **\$ 19,046.72.**

Change Order #6. At 1539 E. Plaza Blvd. there were 2 palm trees that needed to be relocated to accommodate the new traffic signal equipment and sidewalk. Under direction of the Engineer the Contractor proceeded with relocating the two palm trees. This Change Order total amount was **\$ 3,711.75.**

Change Order #7. On the south side of Plaza Blvd. at station 55+00 an unforeseen concrete lug had to be partially removed to make grade for the new curb and gutter. Under direction of the Engineer the Contractor proceeded under time and materials. This Change Order total amount was **\$ 860.89.**

Change Order #8. Additional traffic control, signing and striping was required to accommodate two lanes in the westbound direction from I-805 to N Ave. (Stage 2 per Dokken Revised Plan). Under direction of the Engineer the Contractor is to proceed with additional signing and striping from N Ave. to I-805. This Change Order total amount was **\$ 2,464.80.**

Change Order #9. Two palm trees were in conflict with the new sidewalk improvements and had to be removed on the South side of Plaza Blvd. adjacent to USA gasoline. Under direction of the Engineer the Contractor proceeded under time and materials to remove and dispose of the two palm trees. This Change Order total amount was **\$ 2,115.82**

Change Order #10. A shallow Caltrans electrical conduit was discovered from stations 58+00 to 59+09 encased in concrete within our improvement subgrade section and needed to be removed to meet the required grades. Under direction of the Engineer the Contractor proceeded under time and materials to remove the Caltrans encasement. This Change Order total amount was **\$ 1,940.43.**

Change Order #11. An alternate location had to be dug for the foundation of the streetlight at station 58+23 because of multiple utility conflicts. Under direction of the Engineer the Contractor proceeded under time and materials to dig a new street light foundation hole. This Change Order total amount was **\$ 827.71.**

Change Order #12. Two lighted entry signs had to be relocated to the new back of sidewalk at the Stardust Inn. Under direction of the Engineer the Contractor proceeded under time and materials to relocate two lighted entry signs. This Change Order total amount was **\$ 1,308.27**

Change Order # 13. Vehicles continued to block the driveway at the Bellus Academy on Plaza Blvd. To deter drivers from blocking the driveway the "Keep Clear" striping needed to be refreshed and

FINAL CONTRACT BALANCE

Plaza Blvd Widening "N" Avenue to I-805

CIP No. 16-01

additional signs and LED lights needed to be added. Under direction of the Engineer the Contractor proceeded with refreshing the "Keep Clear" and adding additional signs and lighting. This Change Order reduced the contract amount by **\$ 1,828.63**

Change Order # 14. At the NE corner of Palm Ave. and Plaza Blvd. the type B-1 curb inlet could not be installed because of an unforeseen wall footing. Under direction of the Engineer the Contractor proceeded under time and materials to install a Type A curb inlet. This Change Order total amount was **\$ 2,291.91**

Change Order #15. Additional grading and repair was needed around the Caltrans conduit between stations 58+42 and 59+32. Under direction of the Engineer the Contractor proceeded under time and materials to grade around the Caltrans conduit and to repair any damaged sections of the conduit. This Change Order total amount was **\$ 1,930.56**

Change Order #16. A second layer of geo-grid for the bus pad at station 58+42 had to be placed to obtain the required compaction. Under direction of the Engineer the Contractor proceeded under time and materials to place the 2nd layer of geo-grid for the bus pad. This Change Order total amount was **\$ 649.24**

Change Order # 17. Due to utility conflicts small sections of asphalt had to be paved separately on the South side of Plaza Blvd. from Palm Ave. to the I-805. Under direction of the Engineer the Contractor proceeded under time and materials pave the missing sections of asphalt. This Change Order total amount was **\$ 1,173.17**

Change Order #18. Pulled wire and spliced for the two lighted entry signs at the Stardust Inn. Under direction of the Engineer the Contractor proceeded under time and materials to pull wire and splice for the two lighted entry signs at the Stardust Inn. This Change Order total amount was **\$ 1,317.99**

Change Order #19. Specialized soil was needed for the relocation of the palm tree at the NW corner of Palm Ave. and Plaza Blvd. and green waste needed to be hauled off. Under direction of the Engineer the Contractor proceeded under time and materials to deliver the specialized soil and to haul off the green waste. This Change Order total amount was **\$ 966.55**

Change Order #20. The palm tree that was relocated at the NW corner of Plaza Blvd. and Palm Ave. had to be hand watered daily for weeks. Under direction of the Engineer the Contractor proceeded under time and materials to hand water the relocated palm tree. This Change Order total amount was **\$ 1,019.30**

Change Order #21. The private utility lines of the USA Gasoline on the SE corner of Palm Ave. and Plaza Blvd. had to be located to proceed with the improvements on the property. Under direction of the Engineer the Contractor proceeded under time and materials to subcontract a private utility locator. This Change Order total amount was **\$ 279.12.**

FINAL CONTRACT BALANCE

Plaza Blvd Widening "N" Avenue to I-805

CIP No. 16-01

Change Order #22. The limits of grading were extended at the Stardust Inn to catch the grade of the adjusted driveway. Under direction of the Engineer the Contractor preceded under time and materials to grade, prepare the soil and place the sod. The Change Order total amount was **\$ 2,354.75.**

Change Order #23. The grades for the cross gutter in front of the IHOP did not meet ADA standards and had to be redesigned. Under direction of the Engineer the Contractor proceeded under time and materials to re-grade the cross gutter. This Change Order total amount was **\$ 2,160.07.**

Change Order #24. The redesigned grades for the IHOP cross gutter also required additional demolition and paving. Under direction of the Engineer the Contractor proceeded under time and materials for additional demolition and paving. This Change Order total amount was **\$ 5,324.69.**

Change Order #25. The existing traffic control plan needed to be refreshed for safety purposes with re-blackening out the old lines and re-painting the new layout. Under direction of the Engineer the Contractor proceeded under time and materials for refreshing the traffic control striping. This Change Order total amount was **\$ 2,016.81.**

Change Order #26. The existing tree at station 46+09 on the South side of Plaza Blvd. was in conflict with the new sidewalk and had to be removed. Under direction of the Engineer the Contractor proceeded under time and materials for removing and disposing of the tree. This Change Order total amount was **\$ 3,515.60**

Change Order #27. The existing glue down delineators were damaged or missing and needed to be replaced. Under direction of the Engineer the Contractor proceeded under time and materials for replacing the glue down delineators. This Change Order total amount was **\$ 1,556.35.**

Change Order #28. Removing the staircase for the IHOP created a safety issue for fire access and work had to be done inside IHOP to meet code. The work consisted of removing doors and setting up a new escape route with signs. Under direction of the Engineer the Contractor proceeded under time and materials for adjusting the IHOP fire safety route. This Change Order total amount was **\$ 1,957.64.**

Change Order #29. Sections of curb/gutter, sidewalk and street section were left incomplete due to utility conflicts. Due to loss of production for having to leave sections blocked out and incomplete and come back separately to each location and complete, an agreed upon 25% would be added to the line item amounts billed. This Change Order total amount was **\$ 9,437.20.**

Change Order #30. Additional work at the Northwest corner of N Ave. and in front of the new Starbucks was needed for the new development. The work consisted of a new crossgutter, curb/gutter, sidewalk, driveway and pedestrian ramp. The items would be billed to the line items in the contract with a 25% markup for being outside of the original scope. This Change Order total amount was **\$ 4,956.40.**

Change Order #31. The contract called out to use an existing foundation for a new street light on the North side of Plaza Blvd. at station 44+65; however, the existing streetlight was direct burial without a

FINAL CONTRACT BALANCE

Plaza Blvd Widening "N" Avenue to I-805

CIP No. 16-01

foundation. Under direction of the Engineer the Contractor proceeded under time and materials for digging and installing a new foundation. This Change Order total amount was **\$ 738.21**

Change Order #32. The additional work at the Northwest corner of N Ave. and Plaza Blvd. required some electrical items to be adjusted with new conduit and pullboxes. Under direction of the Engineer the Contractor proceeded under time and materials to install new conduit and pullboxes. This Change Order total amount was **\$ 1,228.59.**

Change Order #33. MTS requested the bus bench and shelter be moved back as bus drivers continued to hit the shelter on the North side of Plaza Blvd. at station 47+30. Under direction of the Engineer the Contractor proceeded with relocating the bus bench and shelter to the back of sidewalk. This Change Order total amount was **\$ 3,668.81.**

Change Order #34. Additional cross gutter at N Ave. and Starbucks frontage (sidewalk, curb/gutter, driveway, pedestrian ramp, base and asphalt) were billed per line item. Lump sump items such as traffic control, clearing and grubbing, excavation and grading proceeded under time and materials. Under direction of the Engineer the Contractor proceeded under time and materials with the additional cross gutter at N Ave. and Starbucks frontage. This Change Order total amount was **\$ 5,148.78.**

Change Order #35. Due to traffic and safety issues the City directed the conduit trench crossing and signal switchover be performed at night. Under direction of the Engineer the Contractor proceeded under time and materials for the additional night work costs. This Change Order total amount was **\$ 10,814.62**

Change Order #36. Additional grading and subgrade preparation was required for the cross gutter at N Ave. Under direction of the Engineer the Contractor proceeded under time and materials for the additional grading and subgrade preparation. This Change Order total amount was **\$ 880.64.**

Change Order #37. Due to the location of the traffic signal poles the pedestrian push buttons did not meet ADA requirements and separate push button posts had to be installed. Under direction of the Engineer the Contractor proceeded with installing 7 pedestrian push button posts at all 4 corners of Palm Ave. and Plaza Blvd. and the Northwest, Northeast and Southeast corner of N Ave. and Plaza Blvd. This Change Order total amount was **\$ 10,292.10.**

Change Order #38. The storm drain box on the South side of Plaza Blvd. at station 53+07 could not be adjusted to grade and had to be reconstructed. Under direction of the Engineer the Contractor proceeded under time and materials to reconstruct the storm drain box. This Change Order total amount was **\$ 2,968.17**

Change Order #39. The relocated palm tree for the North side Western Dental did not survive and had to be removed. Under direction of the Engineer the Contractor proceeded under time and materials to remove the dead palm tree. This Change Order amount was **\$ 1,642.18.**

FINAL CONTRACT BALANCE

Plaza Blvd Widening "N" Avenue to I-805

CIP No. 16-01

Change Order #40. The cross gutter on the North side of Plaza Blvd. at station 41+80 was redesigned with rebar and 10" thick 4,000 psi concrete because of poor subgrade. Under direction of the Engineer the Contractor proceeded under time and materials to add rebar and increase the strength and thickness of the concrete in the cross gutter. This Change Order amount was **\$ 1,292.51**.

Change Order #41. The grades for the cross gutter on the South side of Plaza Blvd. at station 43+00 did not meet ADA standards and the already set up formwork had to be taken out and redone. Under direction of the Engineer the Contractor proceeded under time and materials to redo the formwork for the cross gutter. This Change Order amount was **\$ 1,443.13**

Change Order #42. The Holiday Inn entry sign had to be relocated to accommodate the new improvements. Under direction of the Engineer the Contractor proceeded under time and materials to relocate and rewire the Holiday Inn entry sign. This Change Order amount was **\$ 861.50**

Change Order #43. During installation of conduit for the traffic signal modification on the Southwest corner of Palm Ave. and Plaza Blvd. an unforeseen abandoned SDGE vault was discovered. Under direction of the Engineer the Contractor proceeded under time and materials to break through the vault to install the conduit. This Change Order amount was **\$ 1,032.29**

Change Order #44. During installation of type 1-A pole foundation on the Southeast corner of Palm Ave. and Plaza Blvd. an unforeseen old foundation was discovered. Under direction of the Engineer the Contractor proceeded under time and materials to break through the unforeseen foundation to get the required depth for the type 1-A pole foundation. This Change Order amount was **\$ 865.92**

Change Order #45. Two 6T pull boxes were installed for future fiber HSIP 4 communications project. Under direction of the Engineer the Contractor proceeded under time and materials to install two 6T pull boxes. This Change Order amount was **\$ 1,692.93**

Change Order #46. During demolition for the cross gutter on the North side of Plaza Blvd. at the Chinese Bistro and unforeseen conduit was hit and damaged. Under direction of the Engineer the Contractor proceeded under time and materials to install new conduit and pull new wire for the Chinese Bistro sign. This Change Order amount was **\$ 915.92**

Change Order #47. During punchlist walk an existing wall at 1615 E. Plaza Blvd. was discovered to be broken and potential of falling onto sidewalk. Under direction of the Engineer the Contractor proceeded under time and materials to repair the damaged wall. This Change Order amount was **\$ 1,474.98**

Change Order #48. New pedestrian handrails were installed throughout the project but did not meet current ADA standards without an edge barrier per section 405.9. Under direction of the Engineer the Contractor proceeded under time and materials to add a kickplate to the new railing. This Change Order amount was **\$ 2,486.87**

FINAL CONTRACT BALANCE

Plaza Blvd Widening "N" Avenue to I-805

CIP No. 16-01

Change Order #49. Through value engineering during construction multiple line items were deleted resulting in a total base bid deduction of \$139,066.65. The line items associated with this were 22, 28, 33, 34, 36, 47, 54, 55, 67 and 68. The line item deletion will be reflected on the final billing statement as 0 value on each individual line item and the deduction is not indicated here. This Change Order amount was **\$ 0.00**.

Change Order #50. The 2" grind and overlay per Contract would not be sufficient to repair the failing sections of asphalt along Plaza Blvd from N Avenue to the I-805. To provide a stable structural street section under direction of the Engineer the Contractor proceeded to remove and replace an additional 6" of asphalt within the failing sections. This Change Order amount was **\$183,135**.

All Change Orders listed above increased the total contract Working Days by **42**.

All Change Orders listed above increased the total contract amount **\$ 326,923.22**.

| | |
|----------------------------|-----------------------|
| Original Contract Amount = | \$1,894,498.10 |
| Change Order totals = | \$326,923.22 |
| Line item adjustments = | (\$139,066.65) |
| Final Contract Balance = | \$2,082,354.67 |
| Project contingency = | \$284,172.72 |
| Contingency remaining = | \$96,316.15 |

CONTRACT ADJUSTMENT:

As a result of the above change orders and line item adjustments, the contract price is adjusted as follows:

1. The final contract price is adjusted to **\$ 2,082,354.67**
2. As a result of the satisfactory completion of said project, a retention amount of **\$ 104,117.73** is set for invoice processing and payment upon the receipt of signatures and City Council's ratification of this agreement and the Notice of Completion.

This document and its purpose to balance payment shall be considered full compensation for furnishing and installing the materials, labor, tools and equipment, profit, overhead, and all incidentals for performing the work described above. Dick Miller Inc. will not be entitled to damages or additional payment for delays as described in the 2015 edition of the Standard Specifications for Public Works Construction, Section 6-6.3, for performing the work as described above.

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the City Manager to negotiate and execute Proposition 1 Storm Water Grant Program (SWGP) Agreement No. D1612675 between the State Water Resources Control Board and the City of Nationa

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.:

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the City Manager to negotiate and execute Proposition 1 Storm Water Grant Program (SWGP) Agreement No. D1612675 between the State Water Resources Control Board and the City of National City for the Paradise Creek Biofiltration Project in the amount of \$1,344,425 and authorizing corresponding revenue and expenditure accounts.

PREPARED BY: Luca Zappiello, Junior Engineer - Civil

PHONE: 619-336-4360

DEPARTMENT: Engineering/Public Works

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

APPROVED: _____ **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

Prop 1 SWGP Grant (Paradise Creek Biofiltration Project) - \$1,344,425 (296-409-500-598-6193; 296-06193-3463)
Local Grant Match - \$99,400 (001-409-500-598-7049); funds currently appropriated for drainage improvements
Local Grant Match (In-kind, City staff project management and administration) - \$50,017

ENVIRONMENTAL REVIEW:

CEQA/NEPA documentation will be prepared and certified prior to project construction

ORDINANCE: INTRODUCTION ☐ FINAL ADOPTION ☐

STAFF RECOMMENDATION:

Adopt the Resolution City authorizing the City Manager to negotiate and execute Proposition 1 Storm Water Grant Program (SWGP) Agreement No. D1612675 between the State Water Resources Control Board and the City of National City for the Paradise Creek Biofiltration Project.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation
2. Exhibit A - Paradise Creek Biofiltration Project
3. Resolution No. 2017 - 34
4. Sample Resolution

Explanation

On March 21, 2017 the City Council of the City of National City approved Resolution No. 2017-34 authorizing the City Manager to negotiate and execute Proposition 1 Storm Water Grant Program (SWGP) Agreement No. D1612675 between the State Water Resources Control Board (State) and the City of National City for the Sweetwater River Park Bioretention Project in the amount of \$1,344,425 and authorizing corresponding revenue and expenditure accounts.

Subsequent to the City Council action on February 17, 2017, the City encountered unexpected utility line placement issues at the proposed Sweetwater River Park Bioretention Project location. An alternative Project, Paradise Creek Biofiltration, was identified by the City as having a similar scope and outcome as the Sweetwater River Park Bioretention Project. The Paradise Creek Biofiltration Project is situated in the south side of Paradise Creek at Plaza Boulevard and Paradise Valley Road. The purpose of the Project is to build approximately 18,000 square feet of biofiltration area and forebay to treat flows conveyed in Paradise Creek, erosion control plantings around biofiltration area, and providing an urban green space.

On August 3, 2017 the City proposed the alternative Project to the State. The City received confirmation from the State that the proposed alternative Project and site was acceptable and approved as the new Project location. The grant award is conditional to the successful negotiation of an agreement between the City and the State's Division of Financial Assistance. Additionally, a new Resolution authorizing the City Manager to negotiate and execute a grant agreement between the State and the City is required to allow for use of grant funds.

The grant requires a local match of \$149,417. A portion of the local match, \$99,400, will be applied to the cost for preparation of environmental documents, planning, design, engineering, construction management and inspections. This amount will be funded through prior City Council Capital Improvement Program appropriations for Drainage Improvements. The remaining \$50,017 will be funded in-kind for City staff project management and administration.



Exhibit A - Paradise Creek Biofiltration Project

RESOLUTION NO: 2017 – 34

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE
PROPOSITION 1 STORM WATER GRANT PROGRAM AGREEMENT
NO. D1612675 BETWEEN THE STATE WATER RESOURCES CONTROL
BOARD AND THE CITY OF NATIONAL CITY FOR THE SWEETWATER
RIVER PARK BIORETENTION PROJECT IN THE AMOUNT OF \$1,344,425,
AND AUTHORIZING ESTABLISHMENT OF CORRESPONDING
REVENUE AND EXPENDITURE ACCOUNTS**

WHEREAS, on July 8, 2016, the City filed a Proposition 1 Storm Water Grant Program ("SWGP") application for the Sweetwater River Park Bioretention Project (the "Project") in the amount of \$1,344,425, which included a local match of \$149,417, for a total project cost of \$1,493,842; and

WHEREAS, the proposed Project is located immediately west of the Westfield Plaza Bonita Mall on an approximately 4.3 acre site, and will provide the following improvements:

1. a community park that will preserve and enhance native vegetation and provide recreation opportunities near the Sweetwater River Bike Path,
2. removal of invasive plant species and restoration of native drought tolerant vegetation,
3. network of walking paths connecting to the adjacent Sweetwater River Bike Path,
4. bioretention basin that filters storm water runoff from adjacent roads and other properties,
5. bioswales upstream and downstream of the bioretention basin,
6. native revegetation and biotechnical treatments to reduce erosion and sedimentation build-up and improve the quality of water moving through the site; and

WHEREAS, on December 20, 2016, the City was notified that the City of National City had been approved for a Proposition 1 SWGP grant in the amount of \$1,344,425 for the Project, with the grant award conditioned on the successful negotiation of an agreement between the City and the State Water Resources Control Board's Division of Financial Assistance; and


WHEREAS, the grant requires a local match of \$149,417, with \$99,400 of the local match being applied to the cost for preparation of environmental documents, planning, design, engineering, construction management, and inspections.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to negotiate and execute Proposition 1 Storm Water Grant Program Agreement No. D1612675 in the amount of \$1,344,425 between the State Water Resources Control Board and the City of National City for the Sweetwater River Park Bioretention Project.

BE IT FURTHER RESOLVED that the City Council hereby authorizes establishment of corresponding revenue and expenditure accounts.

[Signature Page to follow]

PASSED and ADOPTED this 21st day of March, 2017.



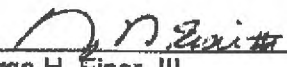
Ron Morrison, Mayor

ATTEST:



Michael R. Dalla, City Clerk

APPROVED AS TO FORM:



George H. Eiser, III
Interim City Attorney

Passed and adopted by the Council of the City of National City, California, on March 21, 2017 by the following vote, to-wit:

Ayes: Councilmembers Cano, Mendivil, Morrison, Rios, Sotelo-Solis.

Nays: None.

Absent: None.

Abstain: None.

AUTHENTICATED BY: RON MORRISON
Mayor of the City of National City, California



Richard S. Della
City Clerk of the City of National City, California

By: _____
Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of RESOLUTION NO. 2017-34 of the City of National City, California, passed and adopted by the Council of said City on March 21, 2017.

City Clerk of the City of National City, California

By: _____
Deputy

CITY COUNCIL OF THE CITY OF NATIONAL CITY

RESOLUTION NO. 2018 - XXX

April 17, 2018

A RESOLUTION AUTHORIZING ENTERING INTO A FUNDING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD AND AUTHORIZING AND DESIGNATING CITY MANAGER FOR THE PARADISE CREEK BIOFILTRATION PROJECT.

Whereas, City of National City has submitted an application to the State Water Resources Control Board for funding for the Paradise Creek Biofiltration project (Project). The proposed Project is situated in the south side of Paradise Creek at Plaza Boulevard and Paradise Valley Road. The purpose of the Project is to build approximately 18,000 square feet of biofiltration area and forebay to treat flows conveyed in Paradise Creek, erosion control plantings around biofiltration area, and providing an urban green space; and

Whereas, prior to the State Water Resources Control Board's executing a funding agreement, City of National is required to adopt a resolution authorizing an agent, or representative, to sign the funding agreement, amendments, and requests for disbursement on behalf of City of National, and to carry out other necessary Project-related activities;

Now, therefore, be it resolved and ordered, that City of National is hereby authorized to carry out the Project, enter into a funding agreement with the State Water Resources Control Board, and accept and expend State funds for the Project; and

Be it further resolved and ordered, that the City Manager, or designee, is hereby authorized and designated to sign, for and on behalf of City of National, the funding agreement for the Project and any amendments thereto; and

Be it further resolved and ordered, that the City Manager, or designee, is hereby authorized and designated to represent the City of National in carrying out City of National's responsibilities under the funding agreement, including certifying invoices and disbursement requests for Project costs on behalf of City of National and compliance with applicable state and federal laws.

Be it further resolved and ordered, that any and all actions, whether previously or subsequently taken by City of National, which are consistent with the intent and purposes of the foregoing resolution, shall be, and hereby are, in all respects, ratified, approved and confirmed.

CERTIFICATION

I hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted by the City Council at the meeting thereof held on April 17, 2018.

Ayes: _____
Noes: _____
Abstained: _____
Absent: _____

Signature: _____
Ron Morrison, Mayor

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City approving the following list of projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA) through the Local Streets and Roads Funding Program as required by

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City approving the following list of projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA) through the Local Streets and Roads Funding Program as required by Senate Bill 1, the Road Repair and Accountability Act of 2017: 1) Euclid Avenue Street Resurfacing and 2) Palm Avenue Street Resurfacing; and authorizing the establishment of a Gas Tax Fund appropriation of \$1,016,456 for Fiscal Year 2019 and corresponding revenue budget for receipt of RMRA funds.

PREPARED BY: Stephen Manganiello, Director of PW / City Engineer

DEPARTMENT: Engineering/Public Works

PHONE: 619-336-4382

APPROVED BY:

EXPLANATION:

See attached.



FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

Revenue Account: 109-00000-3416 (Gas Tax, SHC Sec 2030 RMRA) - \$1,016,456

Expenditure Account: 109-409-500-498-6035 (Street Resurfacing) - \$1,016,456

ENVIRONMENTAL REVIEW:

The projects comply with the California Environmental Quality Act (CEQA).

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt Resolution approving a list of projects proposed to receive funding from the RMRA; and establishing budget appropriations and corresponding revenue budget.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Explanation w/ attachments
2. Resolution

Explanation

On April 28, 2017, Governor Brown signed State Senate Bill (SB) 1 (Beall, Chapter 5, Statutes of 2017), which is known as the Road Repair and Accountability Act of 2017. To address basic road maintenance, rehabilitation and critical safety needs on both the state highway and local streets and road system, SB 1: increases per gallon fuel excise taxes; increases diesel fuel sales taxes and vehicle registration fees; and provides for inflationary adjustments to tax rates in future years.

On November 1, 2017, the State Controller (Controller) began the process of depositing various portions of this new funding into the newly created Road Maintenance and Rehabilitation Account (RMRA). A percentage of this new RMRA funding is apportioned by formula to eligible cities and counties pursuant to Streets and Highways Code (SHC) Section 2032(h) for basic road maintenance, rehabilitation, and critical safety projects on the local streets and roads system. The State Department of Finance has published revised revenue projections for cities and counties. National City is eligible to receive up to \$1,016,456 in RMRA funds for FY 2019 (see attached revenue projections).

SB 1 emphasizes the importance of accountability and transparency in the delivery of California's transportation programs. Therefore, in order to be eligible for RMRA funding, statute requires cities and counties to provide basic annual RMRA project reporting to the California Transportation Commission (Commission).

SHC Section 2032.5(a) articulates the general intent of the legislation that recipients of RMRA funding be held accountable for the efficient investment of public funds to maintain local streets and roads and are accountable to the people through performance goals that are tracked and reported.

Pursuant to SHC Section 2030(a), the objective of the Local Streets and Roads Program is to address deferred maintenance on the local streets and roads system through the prioritization and delivery of basic road maintenance and rehabilitation projects as well as critical safety projects.

Cities and counties receiving RMRA funds must comply with all relevant federal and state laws, regulations, policies, and procedures. The main requirements for the program are codified in SHC Sections 2034, 2036, 2037, and 2038 and include the following:

- Prior to receiving an apportionment of RMRA funds from the Controller in a fiscal year, a city or county must submit to the Commission a list of projects proposed to be funded with these funds. All projects proposed to receive funding must be included in a city or county budget that is adopted by the applicable city council or county board of supervisors at a regular public meeting [SHC 2034(a)(1)].
- The list of projects must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement [SHC 2034(a)(1)].
- The project list does not limit the flexibility of an eligible city or county to fund projects in accordance with local needs and priorities so long as the projects are consistent with RMRA priorities as outlined in SHC 2030(b) [SHC 2034(a)(1)].
- The Commission will report to the Controller the cities and counties that have submitted a list of projects as described in SHC 2034(a)(1) and that are therefore

eligible to receive an apportionment of RMRA funds for the applicable fiscal year [SHC 2034(a)(2)].

- The Controller, upon receipt of the report from the Commission, shall apportion RMRA funds to eligible cities and counties pursuant to SHC 2032(h) [SHC 2034(a)(2)].
- For each fiscal year in which RMRA funds are received and expended, cities and counties must submit documentation to the Commission that includes a description and location of each completed project, the amount of funds expended on the project, the completion date, and the estimated useful life of the improvement [SHC 2034(b)].
- A city or county receiving an apportionment of RMRA funds is required to sustain a maintenance of effort (MOE) by spending at least the annual average of its general fund expenditures during the 2009–10, 2010–11, and 2011–12 fiscal years for street, road, and highway purposes from the city's or county's general fund [SHC 2036].
- A city or county may spend its apportionment of RMRA funds on transportation priorities other than priorities outlined in SHC 2030(b) if the city or county's average Pavement Condition Index (PCI) meets or exceeds 80 [SHC 2037].
- By July 1, 2023, cities and counties receiving RMRA funds must follow guidelines developed by the California Workforce Development Board (Board) that address participation and investment in, or partnership with, new or existing pre-apprenticeship training programs [SHC 2038].

In order to comply with the requirements for receipt and use of RMRA funds, staff recommends the following City Council actions:

- 1) Approve the following list of projects proposed to receive funding from the RMRA, as required by SB 1:

Euclid Avenue Street Resurfacing – provide pavement rehabilitation, grind and overlay on Euclid Avenue between Cervantes Avenue and E. 24th Street (estimated construction completion by June 2019 with useful life of 10 to 15 years);

Palm Avenue Street Resurfacing – provide pavement rehabilitation, grind and overlay on Palm Avenue between Division Street and E. 18th Street (estimated construction completion by June 2019 with useful life of 10 to 15 years);

- 2) Authorize the establishment of a Gas Tax Fund appropriation of \$1,016,456 for Fiscal Year 2019 and corresponding revenue budget for receipt of RMRA funds.

Local Streets and Roads - Projected Revenues

Estimated 11 JANUARY 2018

| Estimated 11 January 2018 | | | | |
|------------------------------------|-------------------|--------------------------|------------|-------------|
| 2017-18 | | new SBI | new SBI | |
| Hwy Users Tax Account | Loan Repayment | Road Mntnc Rehab Acct | TOTAL | |
| SAN DIEGO COUNTY | | | | |
| CARLSBAD | 2,361,378 | 129,286 | 648,595 | 3,139,259 |
| CHULA VISTA | 5,542,943 | 304,575 | 1,527,982 | 7,375,500 |
| CORONADO | 519,393 | 28,076 | 140,852 | 688,321 |
| DEL MAR | 94,463 | 4,885 | 24,507 | 123,855 |
| EL CAJON | 2,136,016 | 116,869 | 586,305 | 2,839,190 |
| ENCINITAS | 1,297,538 | 70,811 | 355,240 | 1,723,589 |
| ESCONDIDO | 3,140,654 | 172,220 | 863,988 | 4,176,862 |
| IMPERIAL BEACH | 578,436 | 31,274 | 156,895 | 766,604 |
| LA MESA | 1,256,229 | 68,535 | 343,823 | 1,668,586 |
| LEMON GROVE | 563,682 | 30,461 | 152,817 | 746,961 |
| NATIONAL CITY | 1,275,294 | 69,585 | 349,092 | 1,693,972 |
| OCEANSIDE | 3,655,859 | 200,606 | 1,006,391 | 4,862,856 |
| POWAY | 1,049,210 | 57,129 | 286,602 | 1,392,941 |
| SAN DIEGO | 29,042,471 | 1,598,741 | 8,020,500 | 38,661,712 |
| SAN MARCOS | 1,952,743 | 106,910 | 536,339 | 2,595,992 |
| SANTEE | 1,190,489 | 64,913 | 325,652 | 1,581,064 |
| SOLANA BEACH | 286,913 | 15,378 | 77,147 | 379,438 |
| VISTA | 2,115,258 | 115,726 | 580,568 | 2,811,551 |
| County of San Diego | 56,297,782 | 2,696,950 | 13,529,953 | 72,524,685 |
| Total Cities & County: San Diego | 114,356,752 | 5,882,930 | 29,513,248 | 149,752,929 |
| SAN FRANCISCO COUNTY | | | | |
| SAN FRANCISCO - City Allocation | 16,925,816 | 993,846 | 4,985,889 | 22,905,552 |
| SAN FRANCISCO - County Allocation | 9,701,195 | 544,177 | 2,730,005 | 12,975,377 |
| Total San Francisco | 26,627,011 | 1,538,023 | 7,715,894 | 35,880,929 |
| SAN JOAQUIN COUNTY | | | | |
| ESCALON | 152,122 | 8,191 | 41,091 | 201,404 |
| LATHROP | 475,918 | 26,272 | 131,801 | 633,991 |
| LODI | 1,304,322 | 72,823 | 365,335 | 1,742,479 |
| MANTECA | 1,550,168 | 86,680 | 434,851 | 2,071,699 |
| RIPON | 314,006 | 17,202 | 86,301 | 417,509 |
| STOCKTON | 6,480,233 | 364,415 | 1,828,181 | 8,672,828 |
| TRACY | 1,845,511 | 103,326 | 518,363 | 2,467,200 |
| County of San Joaquin | 14,134,115 | 781,749 | 3,921,848 | 18,837,712 |
| Total Cities & County: San Joaquin | 26,256,395 | 1,460,658 | 7,327,771 | 35,044,823 |

| 2018-19 | new SBI | Loan Repayment | Road Mntnrc Rehab Acct | TOTAL |
|--------------------------|------------|-------------------|---------------------------|-------------|
| Hwy Users Tax Account | | | | |
| 2,773,669 | 129,286 | 1,888,523 | | 4,791,477 |
| 6,514,232 | 304,575 | 4,449,043 | | 11,267,850 |
| 608,928 | 28,076 | 410,120 | | 1,047,123 |
| 110,041 | 4,885 | 71,356 | | 186,283 |
| 2,508,711 | 116,869 | 1,707,152 | | 4,332,732 |
| 1,523,352 | 70,811 | 1,034,358 | | 2,628,521 |
| 3,689,863 | 172,220 | 2,515,683 | | 6,377,767 |
| 678,168 | 31,274 | 456,832 | | 1,166,275 |
| 1,474,786 | 68,535 | 1,001,112 | | 2,544,433 |
| 660,823 | 30,461 | 444,959 | | 1,136,244 |
| 1,497,201 | 69,585 | 1,016,456 | | 2,583,242 |
| 4,295,589 | 200,606 | 2,930,320 | | 7,426,515 |
| 1,231,394 | 57,129 | 834,504 | | 2,123,026 |
| 34,140,842 | 1,598,741 | 23,353,385 | | 59,092,968 |
| 2,293,676 | 106,910 | 1,561,666 | | 3,962,252 |
| 1,397,496 | 64,913 | 948,205 | | 2,410,614 |
| 335,953 | 15,378 | 224,630 | | 575,961 |
| 2,484,306 | 115,726 | 1,690,446 | | 4,290,478 |
| 64,738,006 | 2,695,950 | 39,395,326 | | 106,830,282 |
| 132,957,036 | 5,882,930 | 85,934,076 | | 224,774,042 |
| 20,102,371 | 993,846 | 14,517,473 | | 35,613,690 |
| 11,415,676 | 544,177 | 7,948,988 | | 19,908,841 |
| 31,518,047 | 1,538,023 | 22,466,461 | | 55,522,531 |
| 178,263 | 8,191 | 119,647 | | 306,101 |
| 559,768 | 26,272 | 383,766 | | 969,806 |
| 1,536,741 | 72,823 | 1,063,750 | | 2,673,314 |
| 1,826,813 | 86,680 | 1,266,161 | | 3,179,654 |
| 338,909 | 17,202 | 251,283 | | 637,394 |
| 7,643,288 | 364,415 | 5,323,135 | | 13,330,837 |
| 2,175,284 | 103,326 | 1,509,524 | | 3,787,934 |
| 16,595,817 | 781,749 | 11,419,291 | | 28,796,857 |
| 30,884,882 | 1,460,658 | 21,336,357 | | 53,681,897 |

RESOLUTION NO. 2018 –

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
APPROVING THE FOLLOWING LIST OF PROJECTS PROPOSED TO RECEIVE FUNDING
FROM THE ROAD MAINTENANCE AND REHABILITATION ACCOUNT (RMRA) THROUGH
THE LOCAL STREETS AND ROADS FUNDING PROGRAM AS REQUIRED BY SENATE BILL
1, THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017: 1) EUCLID AVENUE STREET
RESURFACING, AND 2) PALM AVENUE STREET RESURFACING; AND AUTHORIZING THE
ESTABLISHMENT OF A GAS TAX FUND APPROPRIATION OF \$1,016,456 FOR FISCAL
YEAR 2019 AND CORRESPONDING REVENUE BUDGET FOR RECEIPT OF RMRA FUNDS

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017
(Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the
Governor in April 2017, in order to address the significant multi-modal transportation funding
shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will
ensure the residents of National City are aware of the projects proposed for funding in our
community and which projects have been completed each fiscal year; and

WHEREAS, the City of National City (City) must include a list of all projects
proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA),
created by SB 1, in the City's Capital Improvement Program (CIP) budget, which must include a
description and the location of each proposed project, a proposed schedule for the project's
completion, and the estimated useful life of the improvements; and

WHEREAS, the City will receive and estimated \$1,016,456 in RMRA funding in
Fiscal Year 2019 from SB 1; and

WHEREAS, the City prioritizes projects based on health and safety benefits,
input from the community, project costs, schedule and available funding, and consistency with
long-range planning documents and policies; and

WHEREAS, the list of projects proposed to receive funding from the RMRA were
developed based on this criteria to ensure revenues are being used on high-priority and cost-
effective projects that meet the community's priorities for transportation investment; and

WHEREAS, revenues received from the RMRA will greatly assist the City in
increasing the overall quality and sustainability of our transportation system for the benefit of the
public; and

WHEREAS, preventative maintenance and enhancements to the local
transportation system will reduce drive times and traffic congestion, and improve access for
pedestrians and bicycles, which will lead to reductions in vehicle emissions helping the State
achieve its air quality and greenhouse gas emissions reductions goals; and

WHEREAS, the SB 1 project list and overall investment in our local streets and
roads infrastructure, with a focus on maintenance and safety, investing in complete streets
infrastructure, and using cutting-edge technology, materials and practices, will have significant,
positive co-benefits statewide.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of National City approves the following list of projects proposed to receive funding from the RMRA, as required by SB 1:

1) Euclid Avenue Street Resurfacing – provide pavement rehabilitation, grind and overlay on Euclid Avenue between Cervantes Avenue and E. 24th Street (estimated construction completion by June 2019 with useful life of 10 to 15 years);

2) Palm Avenue Street Resurfacing – provide pavement rehabilitation, grind and overlay on Palm Avenue between Division Street and E. 18th Street (estimated construction completion by June 2019 with useful life of 10 to 15 years).

BE IT FURTHER RESOLVED the City Council of the City of National City authorizes the establishment of a Gas Tax Fund appropriation of \$1,016,456 for Fiscal Year 2019 and corresponding revenue budget for receipt of RMRA funds.

PASSED and ADOPTED this 17th day of April, 2018.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Angil P. Morris-Jones
City Attorney

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the installation of red curb “No Parking” at the intersection of E. 16th Street and Earle Drive to improve visibility at the intersection and at the crosswalk (TSC No. 2018-01). (Engi

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the installation of red curb "No Parking" at the intersection of E. 16th Street and Earle Drive to improve visibility at the intersection and at the crosswalk (TSC No. 2018-01).

PREPARED BY: Luca Zappiello, Junior Engineer – Civil

PHONE: 619-336-4360

DEPARTMENT: Engineering/Public Works

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Adopt a Resolution authorizing installation of red curb "No Parking" at the intersection of E. 16th Street and Earle Drive to improve visibility at the intersection and at the crosswalk.

BOARD / COMMISSION RECOMMENDATION:

At their meeting on March 14, 2018, the Traffic Safety Committee approved staff's recommendation to install red curb "No Parking" at the intersection of E. 16th Street and Earle Drive to improve visibility at the intersection and at the crosswalk..

ATTACHMENTS:

1. Explanation w/ Exhibit
2. Staff Report to the Traffic Safety Committee on March 14, 2018 (TSC No. 2018-01)
3. Resolution

EXPLANATION

An area resident has requested red curb "No Parking" at the intersection of E. 16th Street and Earle Drive to improve visibility and enhance safety for the vehicles exiting from Earle Drive onto E. 16th Street.

Staff performed a site evaluation. E. 16th Street and Earle Drive are 2-lane roadways with parallel parking on both sides of the streets. The intersection is currently stop controlled for southbound traffic on Earle Drive. The posted speed limit on E. 16th Street is 35 mph. Staff confirmed that there are 20 feet of designated red curb "No Parking" on the north side of E. 16th Street, east of Earle Drive for a fire hydrant. However, staff recommends to extend the existing 20 feet of red curb with an additional 20 feet for a total of 40 feet of red curb "No Parking" to enhance safety and also as a preventative measure. Furthermore, staff recommends the installation of 20 feet of red curb "No Parking" on the north side of E. 16th Street, west of Earle Drive, to improve the sightline through the intersection for the vehicles exiting Earle Drive.

Staff also reviewed the traffic collision history for this location, which confirmed there was one "reported" traffic collision within the past four years due to vehicle failing to yield in the right-of-way for pedestrians at the crosswalk.

Based on traffic collision history provided by the National City Police Department (NCPD) Records Division, staff recommend 32 feet of red curb "No Parking" between the pedestrian ramp and the driveway apron of the residence at 3008 E. 16th Street for visibility at the crosswalk.

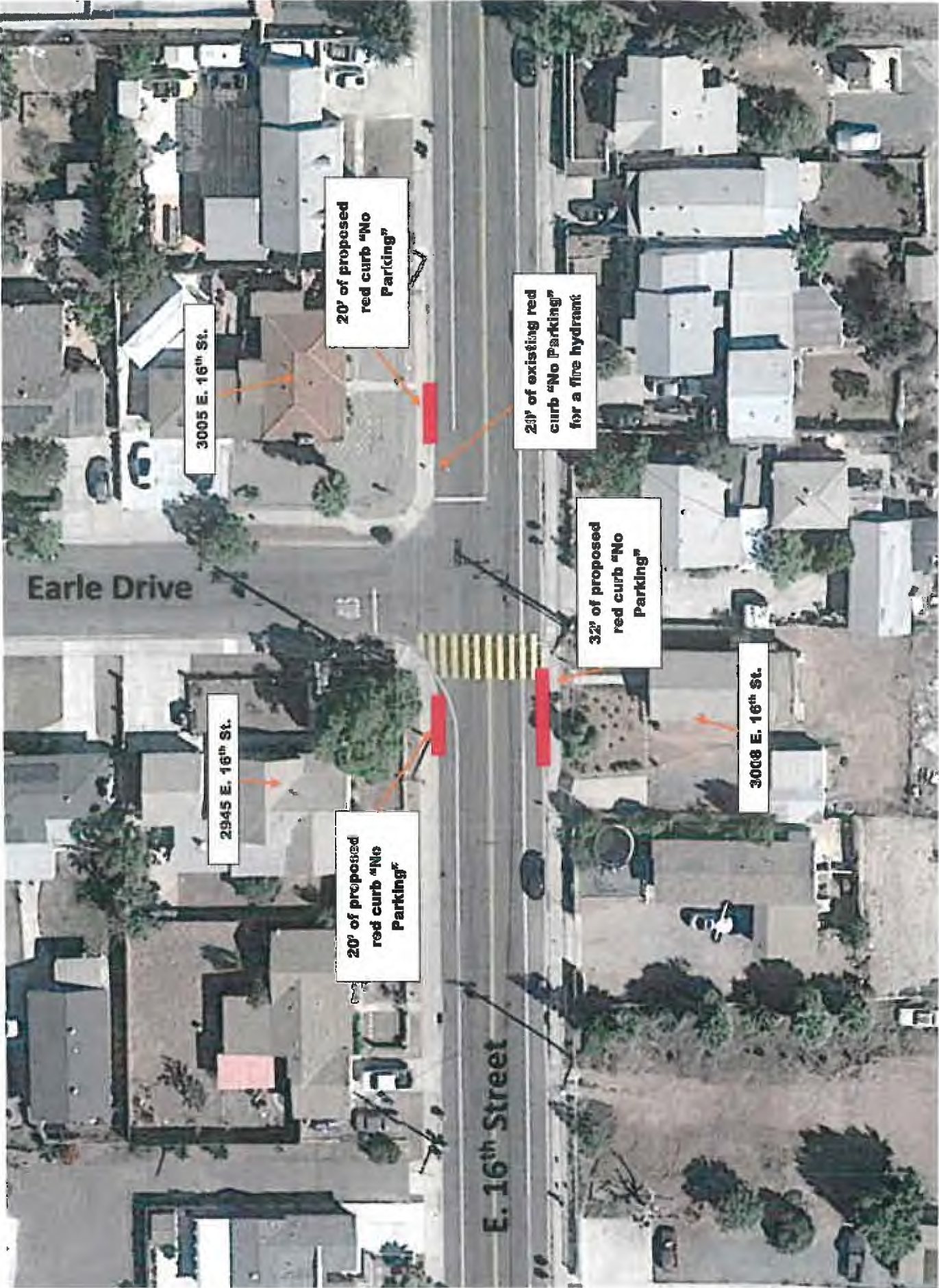
This item was presented to the Traffic Safety Committee on March 14, 2018. Public notices were mailed to area residents inviting them to attend the meeting. There were no members of the community present to speak on the item.

Based on the staff report and the traffic collision history for this location, the Traffic Safety Committee unanimously approved staff's recommendation to the following traffic safety enhancements:

1. Install 20 feet of red curb "No Parking" on the north side of E. 16th Street, west of Earle Drive. This will result in the loss of one (1) on-street parking space;
2. Extend the red curb "No Parking" by approximately 20 feet on the north side of E. 16th Street, east of Earle Drive. This will result in the loss of one (1) on-street parking space;
3. Install 32 feet of red curb "No Parking" on the south side of E. 16th Street, west of the pedestrian crosswalk. This will result in the loss of one (1) on-street parking space.

If approved by City Council, all work will be performed by City Public Works.

Location Map with Proposed Enhancements (TSC Item: 2018-01)



**NATIONAL CITY TRAFFIC SAFETY COMMITTEE
AGENDA REPORT FOR MARCH 14, 2018**

ITEM NO. 2018-01

ITEM TITLE: **REQUEST FOR RED CURB "NO PARKING" AT THE
INTERSECTION OF E. 16TH STREET AND EARLE DRIVE TO
IMPROVE VISIBILITY AT THE INTERSECTION**

PREPARED BY: Luca Zappiello, Junior Engineer – Civil
Engineering & Public Works Department

DISCUSSION:

An area resident has requested red curb "No Parking" at the intersection of E. 16th Street and Earle Drive to improve visibility and enhance safety for the vehicles exiting from Earle Drive onto E. 16th Street.

Staff performed a site evaluation. E. 16th Street and Earle Drive are 2-lane roadways with parallel parking on both sides of the street. The intersection is currently stop controlled for southbound traffic on Earle Drive. The posted speed limit on E. 16th Street is 35 mph. Staff confirmed that there are 20 feet of designated red curb "No Parking" on the north side of E. 16th Street, east of Earle Drive for a fire hydrant. However, staff recommends to extend the existing 20 feet of red curb with an additional 20 feet for a total of 40 feet of red curb "No Parking" to enhance safety and also as a preventative measure. Furthermore, staff recommends the installation of 20 feet of red curb "No Parking" on the north side of E. 16th Street, west of Earle Drive, to improve the sightline through the intersection for the vehicles exiting Earle Drive.

Furthermore, staff recommend 32 feet of red curb "No Parking" between the pedestrian ramp and the driveway apron of the residence at 3008 E. 16th Street for visibility at the crosswalk.

Staff also reviewed the traffic collision history for this location, which confirmed there was one "reported" traffic collision within the past four years due to vehicle failing to yield in the right-of-way for pedestrians at the crosswalk.

STAFF RECOMMENDATION:

Based on evaluation of existing conditions, staff recommends the following safety enhancements:

1. Install 20 feet of red curb "No Parking" on the north side of E. 16th Street, west of Earle Drive. This will result in the loss of one (1) on-street parking space;
2. Extend the red curb "No Parking" by approximately 20 feet on the north side of E. 16th Street, east of Earle Drive. This will result in the loss of one (1) on-street parking space;
3. Install 32 feet of red curb "No Parking" on the south side of E. 16th Street, west of the pedestrian crosswalk. This will result in the loss of one (1) on-street parking space.

EXHIBITS:

1. Public Request
2. Public Notice
3. Location Map
4. Photos

2018-01

20:00 PM 4:47 JAN 9/18

CITY OF NATIONAL CITY

ENG & PW DEPT.

SECLICKFIX ID
3797847

PRIORITY
Normal

REQUEST TYPE
Traffic Related Issues or
Complaints

ADDRESS
2945 E 16th St National City, California

ASSIGNEE
Engineering

SLA EXPIRES

REPORTED
10/19/2017 - 12:10PM

SECONDARY QUESTIONS
Please provide location.
corner of 16th and Earle Drive

LOCATION

Please provide a brief description of issues/complaint.
constant speeding, loud motorcycles

San Marcos Avenue

Go

Map data ©2018 Google

SUMMARY & DESCRIPTION

Traffic Related Issues or Complaints

There is constant speeding and near misses at this Intersection especially during school times and and night. It is very hard to see oncoming traffic If you are turning left from Earle Drive onto 16th St with the cars parked on 16th St. I don't know how many accidents have been here but here was just one last week. Is there any way to get speed bumps put in??

MEDIA

No images available.

Reported by:
CityOfNationalCityCollaborativeNeighbor 10/19/2017 -
12:10PM

TIMESTAMP INTERNAL COMMENT

COMMENTS

10/23/2017 Yes Public Works assigned this issue to Engineering
10:56AM

Public Works

01/09/2018
01:29PM Please call the Engineering & Public Works Department at (619) 336-4380 to provide your contact information such that our staff may contact you in the event additional information is needed to address your request and to provide updates on the status of your request. Thank you for using National City Connect.

Engineering



March 7, 2018

Resident/Property Owner

Subject: TRAFFIC SAFETY COMMITTEE (TSC) ITEM NO. 2018-01

REQUEST FOR RED CURB "NO PARKING" AT THE INTERSECTION OF E. 16TH STREET AND EARLE DRIVE TO IMPROVE VISIBILITY AT THE INTERSECTION

Dear Sir/Madame:

The City of National City would like to invite you to our next public Traffic Safety Committee Meeting scheduled for **Wednesday, March 14, 2018, at 1:00 P.M.** in the 2nd Floor Large Conference Room of the Civic Center Building, 1243 National City Boulevard, to discuss the above-referenced item.

The City Hall is ADA compliance. Please note that there are two disabled persons parking spaces in front of City Hall on the east side of National City that provide direct access on the 2nd Floor of City Hall via a pedestrian bridge.

If you have any questions, comments, and/or concerns, please contact the Engineering Department at 619-336-4380 and reference Traffic Safety Committee Item Number 2018-01.

Sincerely,

Stephen Manganiello
City Engineer

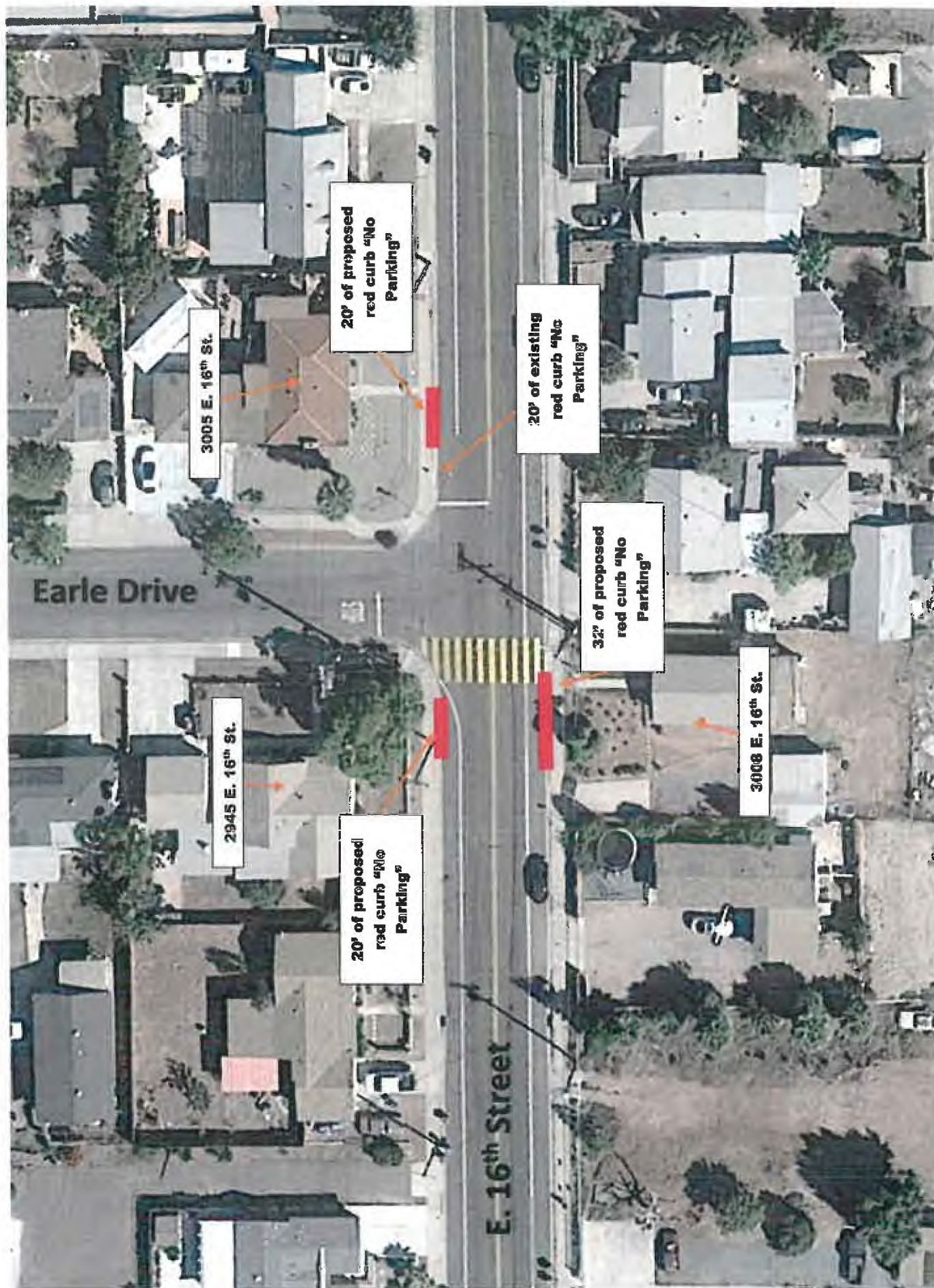
SM:lz

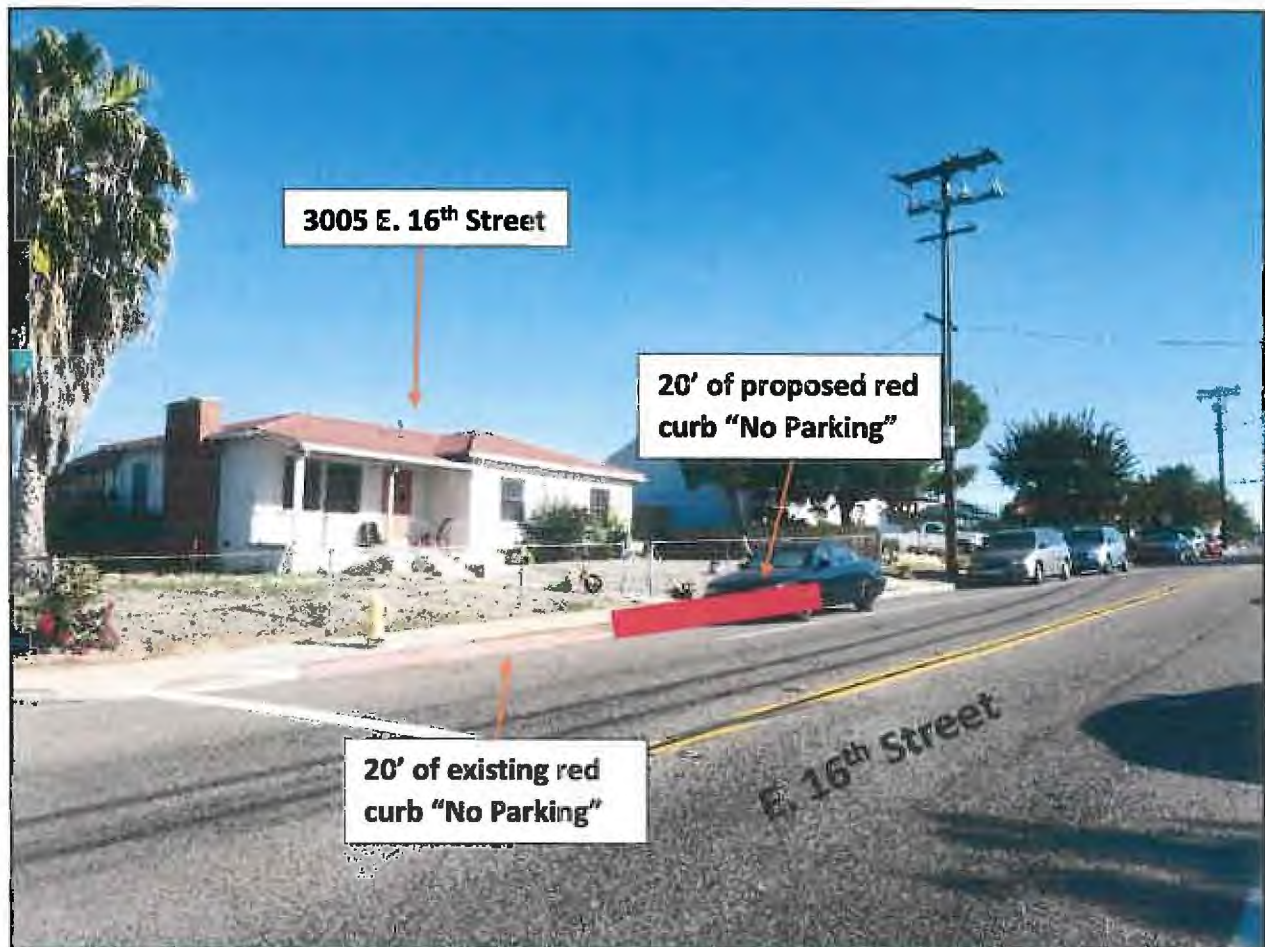
Enclosure: Location Map

2018-01

1234 National City Boulevard, National City, CA 91950-6530
(619) 336-4380 Fax (619) 336-4397 engineering@nationalcityca.gov

Location Map with Proposed Enhancements (TSC Item: 2018-01)





Location of proposed red curb "No Parking" on the north side of E 16th St, east of Earle Drive (looking north)



Location of proposed red curb "No Parking" on the north side of E 16th St, west of Earle Drive (looking north-west)



Location of proposed red curb "No Parking" on the south side of E 16th St, west of the crosswalk (looking east)



Location of proposed red curb "No Parking" on the south side of E 16th St, west of the crosswalk (looking south)

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the installation of red curb “No Parking” at the intersections of Palm Avenue with E. 14th Street and E. 15th Street in order to improve visibility at the intersections (TSC No. 2018-

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the installation of red curb "No Parking" at the intersections of Palm Avenue with E. 14th Street and E. 15th Street in order to improve visibility at the intersections (TSC No. 2018-02).

PREPARED BY: Luca Zappiello, Junior Engineer – Civil

PHONE: 619-336-4360

DEPARTMENT: Engineering/Public Works

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Adopt a Resolution authorizing installation of red curb "No Parking" at the intersections of Paim Avenue with E. 14th Street and E. 15th Street in order to improve visibility at the intersections

BOARD / COMMISSION RECOMMENDATION:

At their meeting on March 14, 2018, the Traffic Safety Committee approved staff's recommendation to install red curb "No Parking" at the intersections of Palm Ave with E. 14th St and E. 15th St in order to improve visibility at the intersections

ATTACHMENTS:

1. Explanation w/ Exhibit
2. Staff Report to the Traffic Safety Committee on March 14, 2018 (TSC No. 2018-02)
3. Resolution

EXPLANATION

Mr. Tom Slavinsky has requested red curb "No Parking" at the intersection of Palm Avenue and E. 14th Street to improve visibility at the intersection. Mr. Slavinsky stated that it is difficult to see oncoming traffic for vehicles exiting from E. 14th Street onto Palm Avenue due to cars being parked too close to the intersection. Furthermore, Mr. Slavinsky stated that installing red curb "No Parking" at the intersection would help to improve safety and enhance visibility.

Staff performed a site evaluation. Palm Avenue and E. 14th Street are currently 2-lane roadways with parallel parking on both sides of the streets. The intersection between the two streets is currently stop controlled for eastbound traffic on E. 14th Street. The posted speed limit on Palm Avenue is 35 mph. Staff confirmed that Palm Avenue has a 5% slope at the intersection with E. 14th Street and there are approximately 113 feet of existing red curb "No Parking" on the west side of Palm Avenue, south of E. 14th Street. Staff confirmed that when vehicles on Palm Avenue park too close to the corners on the north side of E. 14th Street, visibility for the vehicles that are exiting E. 14th Street onto Palm Avenue is partially obstructed.

Furthermore, staff observed that at the intersection of Palm Avenue and E. 15th Street there is no red curb "No Parking" and confirmed that Palm Avenue has a 2% slope at the intersection with E. 15th Street. Staff also recommends installing 20 feet of red curb "No Parking" on the west side of Palm Avenue, north of E. 15th Street and 10 feet of red curb "No Parking" on the west side of Palm Avenue, south of the E. 15th Street.

Staff reviewed the traffic collision history for these locations, which is summarized as follows:

1. Palm Avenue & E. 14th St (NCPD Records Division - 2 reported accidents past 4 years);
2. Palm Avenue & E. 15th St (NCPD Records Division - 1 reported accident past 4 years).

This item was presented to the Traffic Safety Committee on March 14, 2018. Public notices were sent to area residents inviting them to attend the meeting. There was one community member attendance at the meeting, Ms. Diane Quinones and she spoke in support of the item.

Based on the staff report, the traffic collision history and the testimony of Ms. Quinones the Traffic Safety Committee unanimously approved staff's recommendation to the following traffic safety enhancements:

1. Install 40 feet of red curb "No Parking" on the west side of Palm Avenue, north of E. 14th Street. This will result in the loss of two (2) on-street parking spaces;
2. Install 20 feet of red curb "No Parking" on the west side of Palm Avenue, north of E. 15th Street. This will result in the loss of one (1) on-street parking space.
3. Install 10 feet of red curb "No Parking" on the west side of Palm Avenue, south of E. 15th Street. This will result in no loss of on-street parking space.

If approved by City Council, all work will be performed by City Public Works.

Location Map with Proposed Enhancements (TSC Item: 2018-02)



**NATIONAL CITY TRAFFIC SAFETY COMMITTEE
AGENDA REPORT FOR MARCH 14, 2018**

ITEM NO. 2018-02

ITEM TITLE: **REQUEST TO INSTALL RED CURB "NO PARKING" AT THE INTERSECTIONS OF PALM AVENUE WITH E. 14TH STREET AND E. 15TH STREET IN ORDER TO IMPROVE VISIBILITY AT THE INTERSECTIONS**

PREPARED BY: Luca Zappiello, Junior Engineer – Civil
Engineering & Public Works Department

DISCUSSION:

Mr. Tom Slavinsky has requested red curb "No Parking" at the intersection of Palm Avenue and E. 14th Street to improve visibility at the intersection. Mr. Slavinsky stated that it is difficult to see oncoming traffic for vehicles exiting from E. 14th Street onto Palm Avenue due to cars being parked too close to the intersection. Furthermore, Mr. Slavinsky stated that installing red curb "No Parking" at the intersection would help to improve safety and enhance visibility.

Staff performed a site evaluation. Palm Avenue and E. 14th Street are currently 2-lanes wide and both streets have available parking on both sides of the street. The intersection between the two streets is currently stop controlled for eastbound traffic on E. 14th Street. The posted speed limit on Palm Avenue is 35 mph. Staff confirmed that Palm Avenue has a 5% slope at the intersection with E. 14th Street and there are approximately 113 feet of existing red curb "No Parking" on the west side of Palm Avenue, south of E. 14th Street. Staff confirmed that when vehicles on Palm Avenue park too close to the corners on the north side of E. 14th Street, visibility for the vehicles that are exiting E. 14th Street onto Palm Avenue is partially obstructed.

Furthermore, staff observed that at the intersection of Palm Avenue and E. 15th Street there is no red curb "No Parking" and confirmed that Palm Avenue has a 2% slope at the intersection with E. 15th Street. Staff also recommends installing 20 feet of red curb "No Parking" on the west side of Palm Avenue, north of the intersection with E. 15th Street and 10 feet of red curb "No Parking" on the west side of Palm Avenue, south of the intersection with E. 15th Street.

Staff reviewed the traffic collision history for these locations, which is summarized as follows:

1. Palm Avenue & E. 14th St (NCPD Records Division - 2 reported accidents past 4 years);
2. Palm Avenue & E. 15th St (NCPD Records Division - 1 reported accident past 4 years).

STAFF RECOMMENDATION:

Based on evaluation of existing conditions, staff recommends the following safety enhancements:

1. Install 40 feet of red curb "No Parking" on the west side of Palm Avenue, north of E. 14th Street. This will result in the loss of two (2) on-street parking spaces;
2. Install 20 feet of red curb "No Parking" on the west side of Palm Avenue, north of E. 15th Street. This will result in the loss of one (1) on-street parking space.
3. Install 10 feet of red curb "No Parking" on the west side of Palm Avenue, south of E. 15th Street. This will result in no loss of on-street parking space.

EXHIBITS:

1. Public Request
2. Public Notice
3. Location Map
4. Photos

2018-02

Luca Zappiello

From: Stephen Manganiello
Sent: Thursday, January 04, 2018 8:42 AM
To: Tom.Slavinsky%
Cc: Luca Zappiello
Subject: FW: Unsafe intersection

Hello Mr. Slavinsky,

Thank you for bringing this item to our attention. Luca Zappiello from our department will contact you next week to obtain more information and conduct a site evaluation. He will then update you with our recommendations.

Thank you.

Stephen Manganiello
Director of Public Works/City Engineer

City of National City
Engineering & Public Works Department
1243 National City Boulevard
National City, CA 91950
phone: 619-336-4380
fax: 619-336-4397
direct: 619-336-4382
email: smanganiello@nationalcityca.gov
website: www.nationalcityca.gov

The City of National City is open Monday through Thursday from 7:00am-6:00pm; offices are closed on Fridays.

From: "Slavinsky, Tom"
Date: December 30, 2017 at 6:58:12 PM PST
To: "amendivil@nationalcityca.gov" <amendivil@nationalcityca.gov>
Subject: Unsafe Intersection

Hey Albert,

Hope all is well with you and family. I was looking for an email address for the NC Risk Management but could not find one. Stumbled on your contact information. Would appreciate you passing this onto the appropriate folks.

When I visit my Mom, which is often, I consistently encounter "challenges" when leaving her house and driving towards the 805 freeway on-ramps on Plaza Blvd. No doubt my sisters Diane and Karen experience the same, and all of my Mom's neighbors experience the same. The situation is a major car accident just waiting to happen. Would hate for one of us to be in an accident, or hear about one.

The problem is cars park along the hill on Palm Ave between Plaza Blvd and 14th St right up to the Palm and 14th St Intersection (T Intersection). Because of the parked cars, when making the left from 14th onto Palm to go towards Plaza it is a blind turn and you

have to guess/hope no cars are coming up the hill towards 14th and will collide with the driver side of my (or anybody else's) car. It is really unsafe !

I believe (not totally positive) the folks parking there are students of the Bellus Academy (salon college) on the corner of Plaza and Palm. I realize they need a place to park, but something need to be done. It may be as easy as painting the top 50 ft of Palm Ave near 14th St red so nobody can park there.

Thanks for forwarding this to the folks who can take care of this. Please have them reply back to me with their planned course of action.

TS

Tom Slavinsky



WORK:
EMAIL:





March 7, 2018

Resident/Property Owner

Subject: TRAFFIC SAFETY COMMITTEE (TSC) ITEM NO. 2018-02

**REQUEST TO INSTALL RED CURB "NO PARKING" AT THE INTERSECTIONS
OF PALM AVENUE WITH E. 14TH STREET AND E. 15TH STREET IN ORDER TO
IMPROVE VISIBILITY AT THE INTERSECTIONS**

Dear Sir/Madame:

The City of National City would like to invite you to our next public Traffic Safety Committee Meeting scheduled for **Wednesday, March 14, 2018, at 1:00 P.M.** in the 2nd Floor Large Conference Room of the Civic Center Building, 1243 National City Boulevard, to discuss the above-referenced item.

The City Hall is ADA compliance. Please note that there are two disabled persons parking spaces in front of City Hall on the east side of National City that provide direct access on the 2nd Floor of City Hall via a pedestrian bridge.

If you have any questions, comments, and/or concerns, please contact the Engineering Department at 619-336-4380 and reference Traffic Safety Committee Item Number 2018-02.

Sincerely,

Stephen Manganiello
City Engineer

SM:lz

Enclosure: Location Map

2018-02

1234 National City Boulevard, National City, CA 91950-6530
(619) 336-4380 Fax (619) 336-4397 engineering@nationalcityca.gov

Location Map with Proposed Enhancements (TSC Item: 2018-02)





Location of proposed red curb "No Parking" on the west side of Palm Avenue, north of E. 14th St (looking north)



Location of proposed red curb "No Parking" on the east side of Palm Avenue, north of E. 14th St (looking west)



Location of existing red curb "No Parking" on the west side of Palm Avenue, south of E. 14th St (looking south)



Location of existing red curb "No Parking" on the west side of Palm Avenue, north of E. 14th St (looking southwest)



Location of proposed red curb "No Parking" on the west side of Palm Avenue, north of E. 15th St (looking north)



Location of proposed red curb "No Parking" on the west side of Palm Avenue, north of E. 15th St (looking northwest)



Location of proposed red curb "No Parking" on the west side of Palm Avenue, north of E. 15th St (looking south)



Location of proposed red curb "No Parking" on the west side of Palm Avenue, north of E. 15th St (looking southwest)

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the installation of a blue curb disabled persons parking space with signage in front of the residence located at 110 E. 17th Street (TSC No. 2018-03). (Engineering/Public Works)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the installation of a blue curb disabled persons parking space with signage in front of the residence located at 110 E. 17th Street (TSC No. 2018-03).

PREPARED BY: Luca Zappiello, Junior Engineer – Civil

PHONE: 619-336-4360

DEPARTMENT: Engineering/Public Works

APPROVED BY: 

EXPLANATION:

See attached.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Adopt a Resolution for the installation of a blue curb disabled persons parking space with signage in front of the residence located at 110 E. 17th Street

BOARD / COMMISSION RECOMMENDATION:

At their meeting on March 14, 2018, the Traffic Safety Committee approved staff's recommendation to install a blue curb disabled persons parking space with sign in front of the residence located at 110 E. 17th Street

ATTACHMENTS:

1. Explanation w/ Exhibit
2. Staff Report to the Traffic Safety Committee on March 14, 2018 (TSC No. 2018-03)
3. Resolution

EXPLANATION

Mr. George Cofer, resident of 110 E. 17th Street, has requested a blue curb disabled persons parking space in front of his residence. The resident possesses a valid disabled person placard from the California Department of Motor Vehicles. Mr. Cofer stated that it is difficult to find on-street parking since the demand for parking is high and a blue curb parking space would allow him and his wife to park in front of their house, providing easier access.

Staff visited the site and confirmed that Mr. Cofer has a driveway located behind his house. Staff confirmed that the driveway has a manual gate approximately 12 feet wide. The slope of the driveway is approximately 2%, and it is large enough to accommodate a vehicle with a disabled driver or passenger.

The City Council has adopted a policy which is used to evaluate requests for disabled persons parking spaces. The City Council Disabled Persons Parking Policy requirements for "Special Hardship" cases are as follows:

1. Applicant (or guardian) must be in possession of valid license plates or placard for "disabled persons" or "disabled veterans". *This condition is met.*
2. The proposed disabled parking space must be in front (or side if on a corner lot) of the applicant's (or guardian's) place of residence. *This condition is met.*
3. The residence must not have useable off-street parking available or an off-street space available that may be converted into disabled parking. *This condition is met (see explanation below).*

This item was presented to the Traffic Safety Committee (TSC) on March 14, 2018. Mr. George Cofer and his wife Ms. Teresa Cofer were in attendance and spoke in support of the blue curb disabled persons parking space. Staff's initial recommendation was to deny the request, since Mr. Cofer has a driveway that can accommodate a vehicle with a disabled driver or passenger. However, Mr. Cofer stated that since the family is in financial hardship, he is not able to install an electric gate to enter the house. Furthermore, Ms. Cofer stated that a blue curb disabled persons parking space would allow him to park in front of his house, providing an easier and safer access into the residence.

Based on the testimony of the applicants, staff has determined that it would be a financial hardship for the applicants to obtain permits and install an electric gate. Therefore, staff's final recommendation is to support the applicant's request for installation of a blue curb disabled persons parking space in front of their home.

The Traffic Safety Committee voted unanimously to approve the installation of a blue curb disabled persons parking space with sign in front of the residence at 110 E. 17th Street.

The applicant was informed that handicap parking spaces do not constitute "personal reserved parking" and that any person with valid "disabled persons" license plates or placards may park in handicap spaces.

If approved by City Council, all work will be performed by City Public Works.

Location Map with Recommended Enhancements (TSC Item: 2018-03)



**NATIONAL CITY TRAFFIC SAFETY COMMITTEE
AGENDA REPORT FOR MARCH 14, 2018**

ITEM NO. 2018-03

ITEM TITLE: **REQUEST FOR INSTALLATION OF A BLUE CURB DISABLED PERSONS PARKING SPACE WITH SIGNAGE IN FRONT OF THE RESIDENCE LOCATED AT 110 E. 17TH STREET**

PREPARED BY: Luca Zappiello, Junior Engineer – Civil
Engineering & Public Works Department

DISCUSSION:

Mr. George Cofer, resident of 110 E. 17th Street, has requested a blue curb disabled persons parking space in front of his residence. The resident possesses a valid disabled person placard from the California Department of Motor Vehicles. Mr. Cofer stated that it is difficult to find on-street parking since the demand for parking is high and a blue curb parking space would allow him and his wife to park in front of their house, providing easier access.

Staff visited the site and confirmed that Mr. Cofer has a driveway located behind his house. Staff confirmed that the driveway has a manual gate approximately 12 feet wide. The slope of the driveway is approximately 2%, and it is large enough to accommodate a vehicle with a disabled driver or passenger.

The City Council has adopted a policy which is used to evaluate requests for disabled persons parking spaces. The City Council Disabled Persons Parking Policy requirements for "Special Hardship" cases are as follows:

1. Applicant (or guardian) must be in possession of valid license plates or placard for "disabled persons" or "disabled veterans". *This condition is met.*
2. The proposed disabled parking space must be in front (or side if on a corner lot) of the applicant's (or guardian's) place of residence. *This condition is met.*
3. The residence must not have useable off-street parking available or an off-street space available that may be converted into disabled parking. *This condition is not met, since the applicant has a driveway that can accommodate a vehicle with a disabled driver or passenger.*

STAFF RECOMMENDATION:

Since only two of the three conditions of the City Council Disabled Persons Parking Policy for "Special Hardship" cases are met, staff does not recommend installation of a blue curb disabled persons parking space with signage in front of the residence located at 110 E. 17th Street.

EXHIBITS:

1. Public Request Form
2. Location Map
3. Photos
4. City Council Disabled Persons Parking Policy

2018-03

REQUEST FOR BLUE CURB DISABLED PERSONS PARKING SPACE

ENG & PM DEPT.
CITY OF NATIONAL CITY
CUD PM 5:39 NOV29/17

NAME OF DISABLED PERSON: GEORGE W. COFER

NAME OF REPRESENTATIVE FOR DISABLED PERSON (if different from above):

ADDRESS: 110 E 17TH ST

EMAIL: _____

PHONE NUMBER: _____

Please answer the following questions, which will assist Engineering staff, the Traffic Safety Committee, and your City Council in determining if you are qualified to have a blue curb disabled persons parking space placed in front of your residence. Please be informed that all blue curb parking spaces are considered public parking. Therefore, any registered vehicle in possession of a disabled persons placard or license plate is legally allowed to park in the blue curb space for up to 72 continuous hours.

- 1) Do you possess a valid disabled person's placard issued by the California Department of Motor Vehicles (DMV)? ☒ YES ☐ NO
If YES, please include a copy of the placard, which contains your name, address, placard number, and expiration date.

- 2) Does your residence have a garage? ☐ YES ☒ NO
If YES, is the garage large enough to park a vehicle (minimum of 20' x 12') ☐ YES ☐ NO

- 3) Does your residence have a driveway? ☒ YES ☒ NO
If YES, a) Is the driveway large enough to park a vehicle (minimum of 20' x 12') ☒ YES ☐ NO
b) Is the driveway level? ☒ YES ☐ NO
c) Is the driveway sloped/inclined? ☐ YES ☒ NO

- 4) Please write any additional comments here (optional).

* BASED ON STAFF'S SITE EVALUATION, THE RESIDENCE DOES HAVE A DRIVEWAY. THE DRIVEWAY CAN ACCOMMODATE A VEHICLE WITH A DISABLED DRIVER OR PASSENGER

DEPARTMENT OF MOTOR VEHICLES



A Public Service Agency

DISABLED PERSON PLACARD IDENTIFICATION CARD/RECEIPT

PLACARD NUMBER:

EXPIRES: 06/30/2019

DATE ISSUED:

This Identification card or facsimile copy is to be carried by the placard owner. Present it to any peace officer upon demand. Immediately notify DMV by mail of any change of address. When parking, hang the placard from the rear view mirror, remove it from the mirror when driving.

When your placard is properly displayed, you may park in or on:

- * Disabled person parking spaces (blue zones)
- * Street metered zones without paying.
- * Green zones without restrictions to time limits.
- * Streets where preferential parking privileges are given to residents and merchants.

You may not park in or on:

- * Red, Yellow, White or Tow Away Zones.
- * Crosshatched, marked spaces next to disabled person parking spaces.
- * It is considered misuse to:
- * Display a placard unless the disabled owner is being transported.
- * Display a placard which has been cancelled or revoked.

When your placard to anyone, including family members, result in cancellation or revocation of the placard, loss of parking privileges, and/or fines.

TYPE: N1 TV: 92 CO: 37

DOB:

ISSUED TO

COFER GEORGE WILLIAM
68 PROVENCE CT

CHULA VISTA CA 91911

Purchase of fuel

(Business & Professions Code 13660):

- * State law requires service stations to refund a disabled person's vehicle at self-service rates, except self-service facilities with only one cashier.



DMV
OFFICE Rm4410

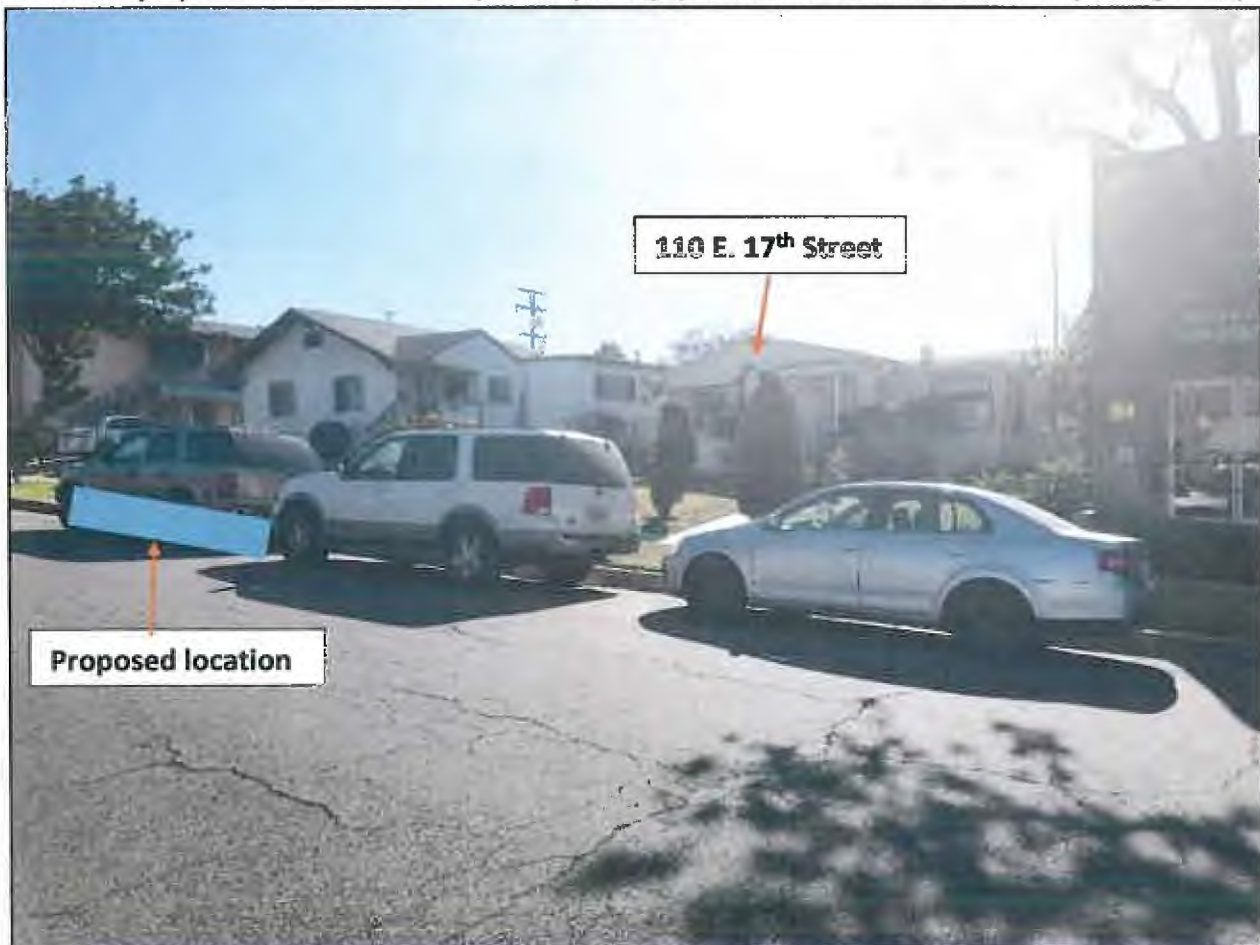


Location Map with Recommended Enhancements (TSC Item: 2018-03)





Location of proposed blue curb disabled persons parking space in front of 110 E. 17th Street (looking south)



Location of proposed blue curb disabled persons parking space in front of 110 E. 17th Street (looking southwest)



Back entrance gate and driveway of residence of 110 E. 17th Street (looking north)

DISABLED PERSONS PARKING POLICY

The purpose of a disabled persons parking zone is to provide designated parking spaces at major points of assembly for the exclusive use of physically disabled persons whose vehicle displays a distinguishing license plate as authorized by the California Department of Motor Vehicles.

The City Council may upon recommendation of the City Engineer, designate specially marked and posted on-street parking spaces for disabled persons pursuant to California Vehicle Code 21101, et seq. at the following facilities:

1. Government buildings serving the public such as administration buildings, public employment offices, public libraries, police stations, etc.
2. Hospitals and convalescent homes with more than 75-bed capacity.
3. Medical facilities and doctors' offices staffed by a maximum of five practitioners. Zones shall be located to serve a maximum number of facilities on one block.
4. Community service facilities such as senior citizens service centers, etc.
5. Accredited vocational training and educational facilities where no off-street parking is provided for disabled persons.
6. Employment offices for major enterprises employing more than 200 persons.
7. Public recreational facilities including municipal swimming pools, recreation halls, museums, etc.
8. Public theaters, auditoriums, meeting halls, arenas, stadiums with more than 300 seating capacity.
9. Other places of assembly such as schools and churches.
10. Commercial and/or office building(s) with an aggregate of more than 50,000 square feet of usable floor space. Zone shall be located to serve a maximum number of facilities on one block.
11. Hotels catering to daily guests, maintaining a ground floor lobby and a switchboard that is operated 24 hours per day.

12. A hotel or apartment house catering to weekly or monthly guests and containing more than 30 separate living units.

In addition, disabled persons parking spaces may be provided within all publicly owned, leased or controlled off-street parking facilities as specified in the General Requirements.

General Requirements

Each disabled persons parking space shall be indicated by blue paint and a sign (white on blue) showing the international symbol of accessibility (a profile view of a wheelchair with occupant).

Where installed under the above criteria the total number of disabled persons curb parking spaces will be limited to 3% of the total number of on-street parking spaces available in the area and shall be distributed uniformly within the area.

Disabled persons parking will not be installed at locations with a full-time parking prohibition. When a disabled persons parking zone is installed where a part-time parking prohibition is in effect, the disabled persons parking zone will have the same time restrictions as the part-time parking prohibition.

The cost of installing disabled persons parking will be assumed by the City on public streets and public off-street parking facilities.

In establishing on-street parking facilities for the disabled there shall be a reasonable determination made that the need is of an on-going nature. The intent is to prevent the proliferation of special parking stalls that may be installed for a short-term purpose but later are seldom used. Unjustified installation of such parking stalls unnecessarily increases the City's maintenance and operations costs, reduce available on-street parking for the general public, and detract from the overall effectiveness of the disabled persons parking program.

Special Hardship Cases

It is not the intention of the City to provide personal reserved parking on the public right-of-way, especially in residential areas. However, exceptions may be made, in special hardship cases, provided all of the following conditions exists:

- (1) Applicant (or guardian) must be in possession of valid license plates for "disabled persons" or "disabled veterans."
- (2) The proposed disabled parking space must be in front of the applicant's (or guardian's) place of residence.

- (3) Subject residence must not have useable off-street parking available or off-street space available that may be converted into disabled parking.

NOTE: It must be emphasized that such parking spaces do not constitute "personal reserved parking" and that any person with valid "disabled persons" license plates may park in the above stalls.

Jha:p

The following page(s) contain the backup material for Agenda Item: Investment transactions for the month ended February 28, 2018. (Finance)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.:

ITEM TITLE:

Investment transactions for the month ended February 28, 2018.

PREPARED BY: Ronald Gutlay
PHONE: 619-336-4346

DEPARTMENT: Finance
APPROVED BY: _____



EXPLANATION:

In accordance with California Government Code Section 53646 and City of National City's investment policy section XIA, a monthly report shall be submitted to the legislative body accounting for transactions made during the reporting period.

The attached listing reflects investment transactions of the City of National City's investment portfolio for the month ending February 28, 2018.

FINANCIAL STATEMENT:

ACCOUNT NO.
NA

APPROVED: Mark Rolento **FINANCE**
APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: INTRODUCTION ☐ FINAL ADOPTION ☐

STAFF RECOMMENDATION:

Accept and file the Investment Transaction Ledger for the month ended February 28, 2018.

BOARD / COMMISSION RECOMMENDATION:

NA

ATTACHMENTS:

Investment Transaction Ledger



**City of National City Consolidated
Account #10218**

**Transaction Ledger
1/31/18 Thru 2/28/18**

| Transaction Type | Settlement Date | CUSIP | Quantity | Security Description | Price | Acq/Disp Yield | Amount | Interest Pay/Sold | Total Amount | Gain/Loss |
|---------------------------|-----------------|-----------|---------------------|---|--------|----------------|---------------------|-------------------|---------------------|-------------|
| ACQUISITIONS | | | | | | | | | | |
| Purchase | 02/01/2018 | 60934N807 | 2,812.50 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 2,812.50 | 0.00 | 2,812.50 | 0.00 |
| Purchase | 02/02/2018 | 60934N807 | 354.65 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 354.65 | 0.00 | 354.65 | 0.00 |
| Purchase | 02/07/2018 | 60934N807 | 5,409.38 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 5,409.38 | 0.00 | 5,409.38 | 0.00 |
| Purchase | 02/08/2018 | 60934N807 | 590,000.00 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 590,000.00 | 0.00 | 590,000.00 | 0.00 |
| Purchase | 02/08/2018 | 60934N807 | 2,581.25 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 2,581.25 | 0.00 | 2,581.25 | 0.00 |
| Purchase | 02/08/2018 | 60934N807 | 251,541.67 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 251,541.67 | 0.00 | 251,541.67 | 0.00 |
| Purchase | 02/09/2018 | 459200HM6 | 400,000.00 | IBM Corp Note 1.625% Due 5/15/2020 | 98.149 | 2.47 % | 392,696.00 | 1,516.67 | 394,112.67 | 0.00 |
| Purchase | 02/12/2018 | 36164KHH7 | 500,000.00 | GE Capital Treasury LLC Discount CP 2% Due 8/17/2018 | 98.967 | 2.05 % | 494,833.33 | 0.00 | 494,833.33 | 0.00 |
| Purchase | 02/14/2018 | 60934N807 | 2,992.50 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 2,992.50 | 0.00 | 2,992.50 | 0.00 |
| Purchase | 02/15/2018 | 60934N807 | 225.25 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 225.25 | 0.00 | 225.25 | 0.00 |
| Purchase | 02/15/2018 | 60934N807 | 663.00 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 663.00 | 0.00 | 663.00 | 0.00 |
| Purchase | 02/15/2018 | 60934N807 | 658.33 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 658.33 | 0.00 | 658.33 | 0.00 |
| Purchase | 02/17/2018 | 60934N807 | 2,750.00 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 2,750.00 | 0.00 | 2,750.00 | 0.00 |
| Purchase | 02/18/2018 | 60934N807 | 3,368.75 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 3,368.75 | 0.00 | 3,368.75 | 0.00 |
| Purchase | 02/20/2018 | 60934N807 | 196.25 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 196.25 | 0.00 | 196.25 | 0.00 |
| Purchase | 02/28/2018 | 60934N807 | 8,250.00 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 1.00 % | 8,250.00 | 0.00 | 8,250.00 | 0.00 |
| | Subtotal | | 1,771,803.53 | | | | 1,759,232.86 | 1,516.67 | 1,760,749.53 | 0.00 |
| Short Sale | 02/09/2018 | 60934N807 | -394,112.67 | Federated Investors Govt Oblig Fund Inst. | 1.000 | | -394,112.67 | 0.00 | -394,112.67 | 0.00 |
| | Subtotal | | -394,112.67 | | | | -394,112.67 | 0.00 | -394,112.67 | 0.00 |
| TOTAL ACQUISITIONS | | | 1,377,690.86 | | | | 1,365,120.19 | 1,516.67 | 1,366,636.86 | 0.00 |
| DISPOSITIONS | | | | | | | | | | |
| Closing Purchase | 02/09/2018 | 60934N807 | -394,112.67 | Federated Investors Govt Oblig Fund Inst. | 1.000 | | -394,112.67 | 0.00 | -394,112.67 | 0.00 |
| | Subtotal | | -394,112.67 | | | | -394,112.67 | 0.00 | -394,112.67 | 0.00 |
| Sale | 02/05/2018 | 60934N807 | 394,112.67 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 394,112.67 | 0.00 | 394,112.67 | 0.00 |



City of National City Consolidated
Account #10218

Transaction Ledger
1/31/18 Thru 2/28/18

| Transaction Type | Settlement Date | CUSIP | Quantity | Security Description | Price | Acq/Disp Yield | Amount | Interest Paid/Sold | Total Amount | Gain/Loss |
|---------------------------|-----------------|------------|---------------------|---|---------|----------------|---------------------|--------------------|---------------------|------------------|
| DISPOSITIONS | | | | | | | | | | |
| Sale | 02/12/2018 | 60934N807 | 494,833.33 | Federated Investors Govt Oblig Fund Inst. | 1.000 | 0.95 % | 494,833.33 | 0.00 | 494,833.33 | 0.00 |
| | Subtotal | | 888,946.00 | | | | 888,946.00 | 0.00 | 888,946.00 | 0.00 |
| Call | 02/08/2018 | 808513AK1 | 250,000.00 | Charles Schwab Corp Callable Note Cont 2/10/2018 1.5% Due 3/10/2018 | 100.000 | 1.50 % | 250,000.00 | 1,541.67 | 251,541.67 | -1,547.50 |
| | Subtotal | | 250,000.00 | | | | 250,000.00 | 1,541.67 | 251,541.67 | -1,547.50 |
| Paydown | 02/15/2018 | 47788BAB0 | 0.00 | John Deere Owner Trust 2017-B A2A 1.59% Due 4/15/2020 | 100.000 | | 0.00 | 225.25 | 225.25 | 0.00 |
| Paydown | 02/15/2018 | 65478GAB6 | 0.00 | Nissan Auto Receivables Owner 2017-B A2A 1.56% Due 5/15/2020 | 100.000 | | 0.00 | 663.00 | 663.00 | 0.00 |
| Paydown | 02/15/2018 | 89237RAB4 | 0.00 | Toyota Auto Receivable 2017-C A2A 1.58% Due 7/15/2020 | 100.000 | | 0.00 | 658.33 | 658.33 | 0.00 |
| Paydown | 02/20/2018 | 43814PAB6 | 0.00 | Honda Auto Receivables Owner T 17-3 A2 1.57% Due 1/21/2020 | 100.000 | | 0.00 | 196.23 | 196.25 | 0.00 |
| | Subtotal | | 0.00 | | | | 0.00 | 1,742.83 | 1,742.83 | 0.00 |
| Maturity | 02/08/2018 | 3135G0TG8 | 590,000.00 | FNMA Note 0.875% Due 2/8/2018 | 100.000 | | 590,000.00 | 0.00 | 590,000.00 | 10,242.40 |
| | Subtotal | | 590,000.00 | | | | 590,000.00 | 0.00 | 590,000.00 | 10,242.40 |
| Security Withdrawal | 02/05/2018 | 60934N807 | 2,149.62 | Federated Investors Govt Oblig Fund Inst. | 1.000 | | 2,149.62 | 0.00 | 2,149.62 | 0.00 |
| Security Withdrawal | 02/07/2018 | 90LAIF\$00 | 750,000.00 | Local Agency Investment Fund State Pool | 1.000 | | 750,000.00 | 0.00 | 750,000.00 | 0.00 |
| Security Withdrawal | 02/22/2018 | 90LAIF\$00 | 1,500,000.00 | Local Agency Investment Fund State Pool | 1.000 | | 1,500,000.00 | 0.00 | 1,500,000.00 | 0.00 |
| Security Withdrawal | 02/28/2018 | 90SDCP\$00 | 10,000.00 | County of San Diego Pooled Investment Pool | 1.000 | | 10,000.00 | 0.00 | 10,000.00 | 0.00 |
| | Subtotal | | 2,262,149.62 | | | | 2,262,149.62 | 0.00 | 2,262,149.62 | 0.00 |
| TOTAL DISPOSITIONS | | | 3,596,982.95 | | | | 3,596,982.95 | 3,284.50 | 3,600,267.45 | 8,694.90 |



City of National City Consolidated
Account #10218

Transaction Ledger
1/31/18 Thru 2/28/18

| Transaction Type | Settlement Date | CUSIP | Quantity | Security Description | Price | Acq/Disc Yield | Amount | Interest Pur/Sold | Total Amount | Gain/Loss |
|--------------------------|-----------------|-----------|--------------|---|-------|----------------|-----------|-------------------|--------------|-----------|
| OTHER TRANSACTIONS | | | | | | | | | | |
| Interest | 02/01/2018 | 3137EADK2 | 450,000.00 | FHLMC Note 1.25% Due 8/1/2019 | 0.000 | | 2,812.50 | 0.00 | 2,812.50 | 0.00 |
| Interest | 02/07/2018 | 3130A8PK3 | 455,000.00 | FHLB Note 0.625% Due 8/7/2018 | 0.000 | | 1,421.88 | 0.00 | 1,421.88 | 0.00 |
| Interest | 02/07/2018 | 40428HPV8 | 290,000.00 | HSBC USA Inc Note 2.75% Due 0/7/2020 | 0.000 | | 3,987.50 | 0.00 | 3,987.50 | 0.00 |
| Interest | 02/08/2018 | 3135G0TG8 | 590,000.00 | FNMA Note 0.675% Due 2/8/2018 | 0.000 | | 2,581.25 | 0.00 | 2,581.25 | 0.00 |
| Interest | 02/14/2018 | 084670BL1 | 285,000.00 | Berkshire Hathaway Note 2.1% Due 8/14/2019 | 0.000 | | 2,992.50 | 0.00 | 2,992.50 | 0.00 |
| Interest | 02/17/2018 | 3135G0N82 | 440,000.00 | FNMA Note 1.25% Due 8/17/2021 | 0.000 | | 2,750.00 | 0.00 | 2,750.00 | 0.00 |
| Interest | 02/18/2018 | 3130A7CV5 | 490,000.00 | FHLB Note 1.375% Due 2/18/2021 | 0.000 | | 3,368.75 | 0.00 | 3,368.75 | 0.00 |
| Interest | 02/28/2018 | 912828J50 | 600,000.00 | US Treasury Note 1.375% Due 2/29/2020 | 0.000 | | 4,125.00 | 0.00 | 4,125.00 | 0.00 |
| Interest | 02/28/2018 | 912828L32 | 600,000.00 | US Treasury Note 1.375% Due 6/31/2020 | 0.000 | | 4,125.00 | 0.00 | 4,125.00 | 0.00 |
| | Subtotal | | 4,200,000.00 | | | | 28,164.38 | 0.00 | 28,164.38 | 0.00 |
| Dividend | 02/02/2018 | 60934N807 | 57,296.96 | Federated Investors Govt Oblig Fund Inst. | 0.000 | | 354.65 | 0.00 | 354.65 | 0.00 |
| | Subtotal | | 57,296.96 | | | | 354.65 | 0.00 | 354.65 | 0.00 |
| TOTAL OTHER TRANSACTIONS | | | 4,257,296.96 | | | | 28,519.03 | 0.00 | 28,519.03 | 0.00 |

The following page(s) contain the backup material for Agenda Item: Warrant Register #36 for the period of 02/28/18 through 03/06/18 in the amount of \$2,947,898.30.
(Finance)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.:

ITEM TITLE:

Warrant Register #36 for the period of 02/28/18 through 03/06/18 in the amount of \$2,947,898.30.
(Finance)

PREPARED BY: Karla Apalategui, Accounting Assistant

DEPARTMENT: Finance

PHONE: 619-336-4572

APPROVED BY: _____

EXPLANATION:

Per Government Section Code 37208, attached are the warrants issued for the period of 02/28/18 through 03/06/18.

Consistent with Department of Finance, listed below are all payments above \$50,000.

| <u>Vendor</u> | <u>Check/Wire</u> | <u>Amount</u> | <u>Explanation</u> |
|---------------------------------|-------------------|---------------|-------------------------------------|
| National School District | 333317 | 246,677.34 | Palm Plaza Proceeds |
| Sweetwater High School District | 333365 | 150,936.11 | Palm Plaza Proceeds |
| Turf Star | 333372 | 68,728.17 | Groundsmaster 4000-D T4 Mower/Parks |
| City of San Diego | 495204 | 1,230,416.00 | Metro Sewerage System Pmt. FY 2018 |
| City National Bank | 495219 | 43,101.10 | Lease Payment #32 Energy Project |

FINANCIAL STATEMENT:

APPROVED: Mark Ralento **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

Warrant total \$2,947,898.30.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: **INTRODUCTION** ☐ **FINAL ADOPTION** ☐

STAFF RECOMMENDATION:

Ratify warrants totaling \$2,947,898.30

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Warrant Register #36



WARRANT REGISTER #36
3/6/2018

| <u>PAYEE</u> | <u>DESCRIPTION</u> | <u>CHK NO</u> | <u>DATE</u> | <u>AMOUNT</u> |
|--------------------------------|--|---------------|-------------|---------------|
| REGIONAL TRAINING CENTER | TRAINING TUITION SEARCH WARRANTS / PD | 333223 | 3/6/18 | 95.00 |
| 24 HOUR ELEVATOR INC | CITY WIDE ELEVATOR MAINTENANCE / PW | 333224 | 3/6/18 | 1,134.90 |
| AARDVARK | DBAL A3 & SUREFIRE / PD | 333225 | 3/6/18 | 18,271.50 |
| ACE UNIFORMS & ACCESSORIES INC | POLICE OFFICER UNIFORMS | 333226 | 3/6/18 | 678.67 |
| ACEDO, I | RETIREE HEALTH BENEFIT / MARCH 2018 | 333227 | 3/6/18 | 160.00 |
| ADMINSURE INC | WORKERS' COMPENSATION ADMINISTRATION | 333228 | 3/6/18 | 7,169.16 |
| ALDEMCO | FOOD / NUTRITION CENTER | 333229 | 3/6/18 | 2,988.34 |
| ALL FRESH PRODUCTS | FOOD / NUTRITION CENTER | 333230 | 3/6/18 | 822.73 |
| ALL STATE POLICE EQUIPMENT | SPIKE STRIP SYSTEMS / PD | 333231 | 3/6/18 | 5,131.92 |
| ALL THE KINGS FLAGS | CITY WIDE FLAGS & ACCESSORIES / PW | 333232 | 3/6/18 | 313.07 |
| ALPHA PROJECT FOR THE HOMELESS | ALPHA HOMELESS OUTREACH PROG / JAN / NSD | 333233 | 3/6/18 | 9,171.73 |
| ANDERSON, E | RETIREE HEALTH BENEFIT / MARCH 2018 | 333234 | 3/6/18 | 110.00 |
| AT&T | AT&T SBC PHONE SERVICE JANUARY 2018 | 333235 | 3/6/18 | 8,847.04 |
| AT&T | AT&T SBC PHONE SERVICE FEBRUARY 2018 | 333236 | 3/6/18 | 327.66 |
| BAVENCOFF JR, D | TRAINING AVD LODGE 2018 TRAINING SYP/ PD | 333237 | 3/6/18 | 434.80 |
| BEARD, P | RETIREE HEALTH BENEFIT / MARCH 2018 | 333238 | 3/6/18 | 70.00 |
| BECK, L | RETIREE HEALTH BENEFIT / MARCH 2018 | 333239 | 3/6/18 | 140.00 |
| BEST BEST & KRIEGER ATTNY LAW | LIABILITY CLAIM COST | 333240 | 3/6/18 | 265.50 |
| BISHOP, R | RETIREE HEALTH BENEFIT / MARCH 2018 | 333241 | 3/6/18 | 110.00 |
| BOEGLER, G | RETIREE HEALTH BENEFIT / MARCH 2018 | 333242 | 3/6/18 | 260.00 |
| BROADWAY AUTO ELECTRIC | ELECTRICAL PARTS FOR CITY VEHICLES / PW | 333243 | 3/6/18 | 190.31 |
| BULL, P | RETIREE HEALTH BENEFIT / MARCH 2018 | 333244 | 3/6/18 | 580.00 |
| CALIFORNIA ELECTRIC SUPPLY | 45698 ELECTRIC SUPPLIES PW | 333245 | 3/6/18 | 311.98 |
| CARRILLO, R | RETIREE HEALTH BENEFIT / MARCH 2018 | 333246 | 3/6/18 | 290.00 |
| CDWG | NETWORK STACKING MODULE / MIS | 333247 | 3/6/18 | 4,612.78 |
| CHRISTENSEN & SPATH LLP | ATTORNEY SERVICES /VISTA DEL SOL/ HOUSING | 333250 | 3/6/18 | 10,125.00 |
| COLANTUONO HIGHSMITH | LIABILITY CLAIM COST | 333251 | 3/6/18 | 14.72 |
| COLE, L | RETIREE HEALTH BENEFIT / MARCH 2018 | 333252 | 3/6/18 | 165.00 |
| COLLINSON, C | RETIREE HEALTH BENEFIT / MARCH 2018 | 333253 | 3/6/18 | 420.00 |
| CONDON, D | RETIREE HEALTH BENEFIT / MARCH 2018 | 333254 | 3/6/18 | 280.00 |
| CORDERO, E | RETIREE HEALTH BENEFIT / MARCH 2018 | 333255 | 3/6/18 | 520.00 |
| CORPUZ, T | RETIREE HEALTH BENEFIT / MARCH 2018 | 333256 | 3/6/18 | 140.00 |
| COX COMMUNICATIONS | COX DATA SERVICES FOR MARCH 2018 | 333257 | 3/6/18 | 174.00 |
| CPCA | TUITION 2018 TRAINING SYMPOSIUM / PD | 333258 | 3/6/18 | 800.00 |
| DALEY & HEFT LLP | LIABILITY CLAIM COST | 333259 | 3/6/18 | 5,352.83 |
| DALEY & HEFT LLP | LIABILITY CLAIM COST | 333260 | 3/6/18 | 5,224.26 |
| DALEY & HEFT LLP | LIABILITY CLAIM COST | 333261 | 3/6/18 | 3,166.99 |
| DALEY & HEFT LLP | LIABILITY CLAIM COST | 333262 | 3/6/18 | 2,025.70 |
| DALEY & HEFT LLP | LIABILITY CLAIM COST | 333263 | 3/6/18 | 2,009.00 |
| DANESHFAR, Z | RETIREE HEALTH BENEFIT / MARCH 2018 | 333264 | 3/6/18 | 250.00 |
| DANIELS TIRE SERVICE | TIRES FOR CITY FLEET FOR FY 2018 | 333265 | 3/6/18 | 1,186.12 |
| DEPARTMENT OF JUSTICE | NEW EMPLOYEE FINGERPRINT TEST RESULTS / HR | 333266 | 3/6/18 | 128.00 |
| DEPT OF JUSTICE | FINGERPRINTING & DOJ RESULTS / PD | 333267 | 3/6/18 | 665.00 |
| DESROCHERS, P | RETIREE HEALTH BENEFIT / MARCH 2018 | 333268 | 3/6/18 | 110.00 |
| DI CERCHIO, A | RETIREE HEALTH BENEFIT / MARCH 2018 | 333269 | 3/6/18 | 70.00 |
| DIAZ, M | RETIREE HEALTH BENEFIT / MARCH 2018 | 333270 | 3/6/18 | 680.00 |
| DILLARD, S | RETIREE HEALTH BENEFIT / MARCH 2018 | 333271 | 3/6/18 | 480.00 |
| DIVISION 8 INCORPORATED | WINDOW REPLACEMENT AND REPAIRS CITY | 333272 | 3/6/18 | 5,985.00 |
| D-MAX ENGINEERING | T&A#90219 MAR | 333273 | 3/6/18 | 3,884.70 |
| DREDGE, J | RETIREE HEALTH BENEFIT / MARCH 2018 | 333274 | 3/6/18 | 250.00 |



WARRANT REGISTER #36
3/6/2018

| <u>PAYEE</u> | <u>DESCRIPTION</u> | <u>CHK NO</u> | <u>DATE</u> | <u>AMOUNT</u> |
|--------------------------------|---|---------------|-------------|---------------|
| DSS CORPORATION | DSS CALL RECORDER SUPPORT 4/10/18 | 333275 | 3/6/18 | 2,724.00 |
| EISER III, G | LEGAL /PROFESSIONAL SERVICES | 333276 | 3/6/18 | 3,630.00 |
| EPLUS TECHNOLOGY INC | PROD VSPHERE 6 ENT PLUS 1 PROC 1 YR / MIS | 333277 | 3/6/18 | 3,496.00 |
| ERGOGENESIS LLC | ERGONOMIC CHAIR, MODEL #R3607 G3 / HR | 333278 | 3/6/18 | 3,186.68 |
| EXPERIAN | CREDIT CHECKS / SEC 8 | 333279 | 3/6/18 | 27.24 |
| EXPRESS PIPE AND SUPPLY CO INC | CITY WIDE PLUMBING PARTS & MATERIALS / PW | 333280 | 3/6/18 | 43.02 |
| FABINSKI, D | RETIREE HEALTH BENEFIT / MARCH 2018 | 333281 | 3/6/18 | 220.00 |
| FEDEX | TESTING MATERIALS FOR POLICE RECRUIT / HR | 333282 | 3/6/18 | 64.54 |
| FERGUSON ENTERPRISES INC | 45723 PLUMBING MATERIAL PW | 333283 | 3/6/18 | 526.54 |
| FERNANDEZ, R | RETIREE HEALTH BENEFITS / MARCH 2018 | 333284 | 3/6/18 | 270.00 |
| FIFIELD, K | RETIREE HEALTH BENEFIT / MARCH 2018 | 333285 | 3/6/18 | 540.00 |
| GELSKEY, K | RETIREE HEALTH BENEFIT / MARCH 2018 | 333286 | 3/6/18 | 115.00 |
| GIBBS JR, R | RETIREE HEALTH BENEFIT / MARCH 2018 | 333287 | 3/6/18 | 120.00 |
| GISH, J | RETIREE HEALTH BENEFIT / MARCH 2018 | 333288 | 3/6/18 | 290.00 |
| GONZALES, M | RETIREE HEALTH BENEFIT / MARCH 2018 | 333289 | 3/6/18 | 480.00 |
| HANSON, E | RETIREE HEALTH BENEFIT / MARCH 2018 | 333290 | 3/6/18 | 135.00 |
| HARLAN, M | RETIREE HEALTH BENEFIT / MARCH 2018 | 333291 | 3/6/18 | 500.00 |
| HAUG, S | RETIREE HEALTH BENEFIT / MARCH 2018 | 333292 | 3/6/18 | 120.00 |
| HERNANDEZ, R | RETIREE HEALTH BENEFIT / MARCH 2018 | 333293 | 3/6/18 | 400.00 |
| HINDERLITER DE LLAMAS | AUDIT SERVICES TRANSACTIONS TAX QTR 3 20 | 333294 | 3/6/18 | 945.93 |
| HODGES, B | RETIREE HEALTH BENEFIT / MARCH 2018 | 333295 | 3/6/18 | 200.00 |
| HONDO, E | RETIREE HEALTH BENEFIT / MARCH 2018 | 333296 | 3/6/18 | 110.00 |
| IBARRA, J | RETIREE HEALTH BENEFIT / MARCH 2018 | 333297 | 3/6/18 | 780.00 |
| IDEMIA IDENTITY & SECURITY USA | NEW EMPLOYEE FINGERPRINT TEST SUBMISSION | 333298 | 3/6/18 | 8.00 |
| JAMES, R | RETIREE HEALTH BENEFIT / MARCH 2018 | 333299 | 3/6/18 | 140.00 |
| JUNIEL, R | RETIREE HEALTH BENEFIT / MARCH 2018 | 333300 | 3/6/18 | 50.00 |
| KIMBLE, R | RETIREE HEALTH BENEFIT / MARCH 2018 | 333301 | 3/6/18 | 300.00 |
| LAFRENIERE, D | EDUCATION REIMBURSEMENT | 333302 | 3/6/18 | 362.00 |
| LANDA, A | RETIREE HEALTH BENEFIT / MARCH 2018 | 333303 | 3/6/18 | 155.00 |
| LASER SAVER INC | MOP # 45725 - S8 OFFICE SUPPLIES | 333304 | 3/6/18 | 785.77 |
| LIEBERT CASSIDY WHITMORE | REVIEW CITY POLICIES / HR | 333305 | 3/6/18 | 3,914.00 |
| LIMFUECO, M | RETIREE HEALTH BENEFIT / MARCH 2018 | 333306 | 3/6/18 | 160.00 |
| LUTH AND TURLEY INC. | LIABILITY CLAIM COST | 333307 | 3/6/18 | 480.71 |
| LUTH AND TURLEY INC. | LIABILITY CLAIM COST | 333308 | 3/6/18 | 480.71 |
| MABPA | MABPA MEMBERSHIP DUES / CM RIOS | 333309 | 3/6/18 | 250.00 |
| MASON'S SAW | 45729 LANDSCAPE SUPPLIES PW | 333310 | 3/6/18 | 769.38 |
| MATIENZO, M | RETIREE HEALTH BENEFIT / MARCH 2018 | 333311 | 3/6/18 | 100.00 |
| MC CABE, T | RETIREE HEALTH BENEFIT / MARCH 2018 | 333312 | 3/6/18 | 280.00 |
| MCDANIEL, P | RETIREE HEALTH BENEFIT / MARCH 2018 | 333313 | 3/6/18 | 290.00 |
| MEDINA, R | RETIREE HEALTH BENEFIT / MARCH 2018 | 333314 | 3/6/18 | 105.00 |
| MINER, D | RETIREE HEALTH BENEFIT / MARCH 2018 | 333315 | 3/6/18 | 580.00 |
| NATIONAL CITY CHAMBER | NCCC MEMBERSHIP DUES / CM SOTELO-SOLIS | 333316 | 3/6/18 | 100.00 |
| NATIONAL SCHOOL DISTRICT | PALM PLAZA SALE PROCEEDS | 333317 | 3/6/18 | 246,677.34 |
| NATIONAL SCHOOL DISTRICT | MCKINLEY AVE PARCELS SALE PROCEEDS | 333318 | 3/6/18 | 38,588.09 |
| NEOGOV | NEOGOV ANNUAL LICENSING / MIS | 333319 | 3/6/18 | 9,870.00 |
| NOTEWARE, D | RETIREE HEALTH BENEFIT / MARCH 2018 | 333320 | 3/6/18 | 120.00 |
| OLIVARES, G | RETIREE HEALTH BENEFIT / MARCH 2018 | 333321 | 3/6/18 | 280.00 |
| PADRE JANITORIAL SUPPLIES | JANITORIAL SUPPLIES / NUTRITION | 333322 | 3/6/18 | 155.64 |
| PARTS AUTHORITY METRO LLC | 75943 AUTO SU | 333323 | 3/6/18 | 111.61 |
| PAUU JR, P | RETIREE HEALTH BENEFIT / MARCH 2018 | 333324 | 3/6/18 | 340.00 |



WARRANT REGISTER #36
3/6/2018

| <u>PAYEE</u> | <u>DESCRIPTION</u> | <u>CHK NO</u> | <u>DATE</u> | <u>AMOUNT</u> |
|---------------------------------|--|---------------|-------------|---------------|
| PEASE JR, D | RETIREE HEALTH BENEFIT / MARCH 2018 | 333325 | 3/6/18 | 140.00 |
| PETERS, S | RETIREE HEALTH BENEFIT / MARCH 2018 | 333326 | 3/6/18 | 290.00 |
| POST, R | RETIREE HEALTH BENEFIT / MARCH 2018 | 333327 | 3/6/18 | 280.00 |
| PRO BUILD | 45707 BUILDING SUPPLIES PW | 333328 | 3/6/18 | 1,318.75 |
| PRO-EDGE KNIFE | KNIFE SHARPING SERVICE / NUTRITION | 333329 | 3/6/18 | 46.00 |
| PRUDENTIAL OVERALL SUPPLY | 45742 LAUNDRY SERVICES / PW | 333330 | 3/6/18 | 264.61 |
| RAMIREZ, O | TUIT REIMB: COMMUNITY RELATIONS / PD | 333331 | 3/6/18 | 274.55 |
| RAY, S | RETIREE HEALTH BENEFIT / MARCH 2018 | 333332 | 3/6/18 | 190.00 |
| RIVERSIDE SHERIFF'S DEPT | TRAINING TUITION DISPATCHER UPDATE / PD | 333333 | 3/6/18 | 114.00 |
| ROARK, L | RETIREE HEALTH BENEFIT / MARCH 2018 | 333334 | 3/6/18 | 135.00 |
| ROBERSON, R | MILEAGE REIMBURSEMENT / ENG | 333335 | 3/6/18 | 157.18 |
| RUIZ, J | RETIREE HEALTH BENEFIT / MARCH 2018 | 333336 | 3/6/18 | 310.00 |
| S D COUNTY OFFICE OF EDUCATION | PALM PLAZA SALE PROCEEDS | 333337 | 3/6/18 | 18,110.47 |
| S D COUNTY OFFICE OF EDUCATION | MCKINLEY AVE PARCELS SALE PROCEEDS | 333338 | 3/6/18 | 2,833.05 |
| S D COUNTY SHERIFF'S DEPT | RANGE FEE / PD | 333339 | 3/6/18 | 400.00 |
| S D COUNTY WATER AUTHORITY | PALM PLAZA SALE PROCEEDS | 333340 | 3/6/18 | 3,375.30 |
| S D COUNTY WATER AUTHORITY | MCKINLEY AVE PARCELS SALE PROCEEDS | 333341 | 3/6/18 | 528.00 |
| SAN DIEGO GAS & ELECTRIC | GAS & ELECTRIC UTILITIES / NUTRITION | 333342 | 3/6/18 | 1,286.31 |
| SAN DIEGO PET SUPPLY | MOP / PD / K9 CARE | 333343 | 3/6/18 | 584.41 |
| SANCHEZ, L | RETIREE HEALTH BENEFIT / MARCH 2018 | 333344 | 3/6/18 | 330.00 |
| SDG&E | FACILITIES DIVISION GAS & ELECTRIC UTILITIES | 333345 | 3/6/18 | 61.15 |
| SEAPORT MEAT COMPANY | FOOD / NUTRITION CENTER | 333346 | 3/6/18 | 546.82 |
| SECLICKFIX INC | PLUS ANNUAL LICENSE / MIS | 333347 | 3/6/18 | 15,132.00 |
| SERVATIUS, J | RETIREE HEALTH BENEFIT / MARCH 2018 | 333348 | 3/6/18 | 340.00 |
| SHORT, C | RETIREE HEALTH BENEFIT / MARCH 2018 | 333349 | 3/6/18 | 300.00 |
| SITEONE LANDSCAPE SUPPLY LLC | 45720 LANDSCAPE SUPPLIES PW | 333350 | 3/6/18 | 132.50 |
| SMART & FINAL | MOP / PD / CHILDREN'S CALENDAR AWARDS | 333351 | 3/6/18 | 218.59 |
| SMART SOURCE OF CALIFORNIA LLC | MOP / PD FIELD P&E CONTROL FORMS | 333352 | 3/6/18 | 522.45 |
| SMITH, J | RETIREE HEALTH BENEFIT / MARCH 2018 | 333353 | 3/6/18 | 320.00 |
| SOUTHERN CALIF TRUCK STOP | 45758 DIESEL SUPPLIES PW | 333354 | 3/6/18 | 17.25 |
| SOUTHWESTERN COLLEGE | PALM PLAZA SALE PROCEEDS | 333355 | 3/6/18 | 40,670.92 |
| SOUTHWESTERN COLLEGE | MCKINLEY AVE PARCELS SALE PROCEEDS | 333356 | 3/6/18 | 6,362.21 |
| SOUTHWESTERN COMMUNITY COLLEGE | POLICE OFFICER TRY OUT DATES / PD | 333357 | 3/6/18 | 342.00 |
| SPARKLETTS | WATER SERVICES / DEC 2017 | 333358 | 3/6/18 | 24.00 |
| STAPLES BUSINESS ADVANTAGE | MOP #45704 OFFICE SUPPLIES / CITY ATTORNEY | 333359 | 3/6/18 | 970.14 |
| STAPLES BUSINESS ADVANTAGE | MOP #45704 OFFICE SUPPLIES / CITY ATTORNEY | 333360 | 3/6/18 | 10.88 |
| STEWART, W | RETIREE HEALTH BENEFIT / MARCH 2018 | 333361 | 3/6/18 | 200.00 |
| STRASEN, W | RETIREE HEALTH BENEFIT / MARCH 2018 | 333362 | 3/6/18 | 135.00 |
| SUPERIOR READY MIX | COLD MIX ASPHALTS / PW | 333363 | 3/6/18 | 112.06 |
| SWEETWATER AUTHORITY | FACILITIES DIVISION WATER UTILITIES | 333364 | 3/6/18 | 7,815.70 |
| SWEETWATER HIGH SCHOOL DISTRICT | PALM PLAZA SALE PROCEEDS | 333365 | 3/6/18 | 150,936.11 |
| SWEETWATER HIGH SCHOOL DISTRICT | MCKINLEY AVE PARCELS SALE PROCEEDS | 333366 | 3/6/18 | 23,611.15 |
| SYSCO SAN DIEGO INC | FOOD / NUTRITION CENTER | 333367 | 3/6/18 | 3,640.55 |
| TAYLOR, J | REIMB: ASSISTING AGENCY / PD | 333368 | 3/6/18 | 65.21 |
| THE COUNSELING TEAM | JANUARY EMPLOYEE SUPPORT SERVICES | 333369 | 3/6/18 | 800.00 |
| THE PUN GROUP LLP | INDEPENDENT AUDITING SERVICES / FINANCE | 333370 | 3/6/18 | 8,035.00 |
| TIPTON, B | RETIREE HEALTH BENEFIT / MARCH 2018 | 333371 | 3/6/18 | 250.00 |
| TURF STAR | GROUNDMASTER 4000-D T4 MOWER / PARKS | 333372 | 3/6/18 | 68,728.17 |
| U S BANK | MOP / PD DRON | 333373 | 3/6/18 | 677.30 |
| ULINE | PROPERTY & E | 333374 | 3/6/18 | 3,786.47 |



WARRANT REGISTER #36
3/6/2018

| <u>PAYEE</u> | <u>DESCRIPTION</u> | <u>CHK NO</u> | <u>DATE</u> | <u>AMOUNT</u> |
|-------------------------------|--|-----------------|-------------|------------------------------|
| UNDERGROUND SERVICE ALERT | UNDERGROUND SERVICE ALERT SERVICES / PW | 333375 | 3/6/18 | 257.50 |
| VALLEY INDUSTRIAL SPECIALTIES | 46453 PLUMBING SUPPLIES PW | 333376 | 3/6/18 | 124.29 |
| VERRY, L | RETIREE HEALTH BENEFIT / MARCH 2018 | 333377 | 3/6/18 | 280.00 |
| VILLAGOMEZ, J | RETIREE HEALTH BENEFIT / MARCH 2018 | 333378 | 3/6/18 | 480.00 |
| VORTEX INDUSTRIES INC | CITY WIDE ON SITE SERVICE & REPAIRS / PW | 333379 | 3/6/18 | 340.00 |
| WEST PAYMENT CENTER | WEST INVESTIGATIVE SERVICE | 333380 | 3/6/18 | 585.00 |
| WETMORES | 80333 AUTO SUPPLIES PW | 333381 | 3/6/18 | 819.70 |
| WHITE, J | RETIREE HEALTH BENEFIT / MARCH 2018 | 333382 | 3/6/18 | 230.00 |
| WILLY'S ELECTRONIC SUPPLY | MOP / PD / MISC MIS CABLES | 333383 | 3/6/18 | 187.20 |
| WILSON, R | EDUCATION REIMBURSEMENT | 333384 | 3/6/18 | 362.00 |
| A/P Total | | | | 800,367.56 |
| WIRED PAYMENTS | | | | |
| CITY OF SAN DIEGO | METRO SEWERAGE SYSTEM PMT FY18 3RD QTR | 495204 | 2/28/18 | 1,230,416.00 |
| CITY NATIONAL BANK | LEASE PAYMENT #32 ENERGY PROJECT | 495219 | 2/28/18 | 43,101.10 |
| SECTION 8 HAPS | | | | |
| | Start Date | End Date | | |
| | 2/28/2018 | 3/6/2018 | | 874,013.64 |
| GRAND TOTAL | | | | <u>\$2,947,898.30</u> |

Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.



MARK ROBERTS, FINANCE

LESLIE DEESE, CITY MANAGER

FINANCE COMMITTEE

RONALD J. MORRISON, MAYOR-CHAIRMAN

ALBERT MENDIVIL, VICE-MAYOR

ALEJANDRA SOTELO-SOLIS, MEMBER

MONA RIOS, MEMBER

JERRY CANO, MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 17TH OF APRIL 2018.

AYES _____

NAYS _____

ABSENT _____

The following page(s) contain the backup material for Agenda Item: Warrant Register #37 for the period of 03/07/18 through 03/13/18 in the amount of \$1,787,481.46.
(Finance)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.:

ITEM TITLE:

Warrant Register #37 for the period of 03/07/18 through 03/13/18 in the amount of \$1,787,481.46.
(Finance)

PREPARED BY: Karla Apalategui, Accounting Assistant

DEPARTMENT: Finance

PHONE: 619-336-4572

APPROVED BY: _____

EXPLANATION:

Per Government Section Code 37208, attached are the warrants issued for the period of 03/07/18 through 03/13/18.

Consistent with Department of Finance, listed below are all payments above \$50,000.

| <u>Vendor</u> | <u>Check/Wire</u> | <u>Amount</u> | <u>Explanation</u> |
|----------------------------|-------------------|---------------|--------------------------------|
| Dick Miller Inc | 333412 | 191,180.98 | Citywide Alley Improv. Project |
| Esgil Corporation | 333415 | 105,087.33 | Plan Checks / Building |
| Project Professionals Corp | 333446 | 110,124.63 | Westside Mobility Impov. |

FINANCIAL STATEMENT:

APPROVED: Mark Ralento **FINANCE**

ACCOUNT NO.

APPROVED: _____ **MIS**

Warrant total \$1,787,481.46.

ENVIRONMENTAL REVIEW:

This is not a project and, therefore, not subject to environmental review.

ORDINANCE: **INTRODUCTION** ☐ **FINAL ADOPTION** ☐

STAFF RECOMMENDATION:

Ratify warrants totaling \$1,787,481.46

BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

Warrant Register #37



WARRANT REGISTER #37
3/13/2018

| <u>PAYEE</u> | <u>DESCRIPTION</u> | <u>CHK NO</u> | <u>DATE</u> | <u>AMOUNT</u> |
|--------------------------------|--|---------------|-------------|---------------|
| 4 IMPRINT INC | METAL RETRACTABLE BADGE HOLDER-SLIP - HR | 333385 | 3/13/18 | 363.88 |
| ABLE PATROL & GUARD | SECURITY GUARD SERVICE FOR FY2018 - LIBRARY | 333386 | 3/13/18 | 2,945.20 |
| ACME SAFETY & SUPPLY CORP | INDIVIDUAL 1/2" CLIP / PW | 333387 | 3/13/18 | 499.17 |
| AETNA BEHAVIORAL HEALTH | EMPLOYEE ASSISTANCE PROGRAM - MARCH | 333388 | 3/13/18 | 809.08 |
| ALPHA PROJECT FOR THE HOMELESS | ALPHA HOMELESS OUTREACH/ DECEMBER / NSD | 333389 | 3/13/18 | 8,127.36 |
| ALTA LANGUAGE SERVICES INC | EMPLOYEE BILINGUAL TESTING | 333390 | 3/13/18 | 60.00 |
| AMAZON | BOOKS AS NEEDED FOR FY2018 - LIBRARY | 333391 | 3/13/18 | 361.71 |
| AMERICAN LIBRARY ASSOC | MEMBERSHIP RENEWAL / LIBRARY | 333392 | 3/13/18 | 140.00 |
| ANDREWS, J | TRAINING REIMBURSEMENT MARIJUANA DUI / PD | 333393 | 3/13/18 | 200.08 |
| ATKINS NORTH AMERICA INC | ALLEY DESIGN SERVICES | 333394 | 3/13/18 | 1,615.00 |
| BAKER & TAYLOR | BOOKS / LIBRARY | 333395 | 3/13/18 | 1,541.97 |
| BROADWAY AUTO GLASS | ADHESIVE NAGS / PW | 333396 | 3/13/18 | 195.90 |
| CALIFORNIA ASSOCIATION OF CODE | CACEO MEMBERSHIP / WATSON / NSD | 333397 | 3/13/18 | 457.00 |
| CALIFORNIA ELECTRIC SUPPLY | PLUMBING SUPPLIES PW | 333398 | 3/13/18 | 8,530.10 |
| CAPPO INC | 2018 CAPPO MEMBERSHIP / LUNT | 333399 | 3/13/18 | 130.00 |
| CASAS, LAURA | TRANSLATION SVCS. - 02-20-18 - COUNCIL MEETING | 333400 | 3/13/18 | 175.00 |
| CHEN RYAN ASSOCIATES INC | SANDAG GRANTS | 333401 | 3/13/18 | 6,477.50 |
| CIRCULATE SAN DIEGO | ACTIVE TRANSPORTATION / PLANNING | 333402 | 3/13/18 | 2,248.41 |
| CLEMENTE, E | REIMB-NEIGHBORHOOD COUNCIL BREAKFAST | 333403 | 3/13/18 | 50.13 |
| CLF WAREHOUSE INC | 80331 AUTO SUPPLIES PW | 333404 | 3/13/18 | 421.08 |
| COMMERCIAL AQUATIC SERVICE INC | CHEMICAL SUPPLIES PURCHASES FOR POOL | 333405 | 3/13/18 | 694.37 |
| COUNTY OF SAN DIEGO | NEXTGEN REGIONAL COMMUNICATIONS SYSTEM | 333406 | 3/13/18 | 9,234.00 |
| COX COMMUNICATIONS | COX DATA SERVICES FOR MARCH | 333407 | 3/13/18 | 403.79 |
| CSA SAN DIEGO COUNTY | EXPENDITURE REIMBURSEMENT/HOUSING | 333408 | 3/13/18 | 2,499.78 |
| CURVATURE LLC | STANDARD AIRFLOW PORTS WITH ENH SCALE / MIS | 333409 | 3/13/18 | 16,993.28 |
| CYNTHIA TITGEN CONSULTING INC | RISK MANAGEMENT SERVICES | 333410 | 3/13/18 | 1,575.00 |
| DARTDRONES LLC | TRAINING TUITION DARTDRONE / PD | 333411 | 3/13/18 | 1,160.00 |
| DICK MILLER INC | CITYWIDE ALLEY IMPROV. PROJECT | 333412 | 3/13/18 | 191,180.98 |
| D-MAX ENGINEERING | STORM WATER SERVICES | 333413 | 3/13/18 | 19,690.65 |
| DPREP INC | TRAINING TUITION HOST. NEG. / HERNANDEZ / PD | 333414 | 3/13/18 | 647.00 |
| ESGIL CORPORATION | PLAN CHECKS / BUILDING | 333415 | 3/13/18 | 105,087.33 |
| FLORES, A | REIMB ADV FIELD EVIDENCE TRAINING/FLORES | 333416 | 3/13/18 | 162.21 |
| GAMWELL, M | EXPENDITURE REIMB / HOUSING | 333417 | 3/13/18 | 324.16 |
| GARCIA, A | TRAINING REIMB CHIA / GARCIA | 333418 | 3/13/18 | 127.93 |
| GOODYEAR TIRE & RUBBER COMPANY | TIRES FOR CITY FLEET FY 2018 | 333419 | 3/13/18 | 1,171.27 |
| GRANICUS INC | GRANICUS ENCODING SOFTWARE / PD | 333420 | 3/13/18 | 4,882.05 |
| GRAPHIC LAB INC | NEIGHBORHOOD BREAKFAST MATERIALS/ CSD | 333421 | 3/13/18 | 422.38 |
| HAMMERHEAD | 2 KENNELS FOR CANINES / PD | 333422 | 3/13/18 | 2,900.00 |
| HARRIS & ASSOCIATES INC | PARADISE VALLEY CREEK | 333423 | 3/13/18 | 4,427.50 |
| HARRIS & ASSOCIATES INC | MISC. SEWER ENG. SUPPORT | 333424 | 3/13/18 | 1,082.90 |
| HDL COREN & CONE | CONTRACT SVCS PROPERTY TAX JAN-MAR 2018 | 333425 | 3/13/18 | 2,814.24 |
| HERNANDEZ, A | TRAINING ADV LODGE SUB CPCA TRAINING / PD | 333426 | 3/13/18 | 1,087.00 |
| HERNANDEZ, P | TRAINING ADV LODGE HOS NEG / PD | 333427 | 3/13/18 | 706.72 |
| IRON MOUNTAIN | RECORDS MANAGEMENT & DOCUMENT STORAGE | 333428 | 3/13/18 | 184.50 |
| KALANKIEWICZ, C | TRAINING REIMB ICI GANG FOUND / PD | 333429 | 3/13/18 | 266.95 |
| KELLETT, D | TRAINING ADV LODGE TRAFFIC COLL INV / PD | 333430 | 3/13/18 | 703.44 |
| KEYSER MARSTON ASSOCIATES INC | LEGAL: PROFESSIONAL SERVICES/ HOUSING | 333431 | 3/13/18 | 4,907.17 |
| LEHR AUTO ELECTRIC | GRAPHIC PACKAGES PATROL DOOR / PW | 333432 | 3/13/18 | 1,077.75 |
| LOPEZ, TERESA YOLANDA | TRANSLATION \$ | 333433 | 3/13/18 | 160.00 |
| MACIAS, J | TRAINING ADV \$ | 333434 | 3/13/18 | 107.54 |



**WARRANT REGISTER #37
3/13/2018**

| <u>PAYEE</u> | <u>DESCRIPTION</u> | <u>CHK NO</u> | <u>DATE</u> | <u>AMOUNT</u> |
|-------------------------------|--|---------------|------------------|-------------------|
| MACIAS, M | TRAINING ADV LODGE ICAC / PD | 333435 | 3/13/18 | 701.18 |
| MACIAS, M | TRAINING REIMB CHIA / PD | 333436 | 3/13/18 | 136.74 |
| MES CALIFORNIA | FIRE HOSE / FIRE | 333437 | 3/13/18 | 6,138.91 |
| MIDWEST TAPE | AUDIO VISUAL MATERIALS FOR FY2018 - LIBRARY | 333438 | 3/13/18 | 1,331.23 |
| NATIONAL NOTARY ASSOCIATION | NOTARY MEMBERSHIP / HOUSING | 333439 | 3/13/18 | 199.00 |
| NERI LANDSCAPE ARCHITECTURE | W. 21ST & HARDING SIDEWALK | 333440 | 3/13/18 | 2,225.00 |
| NV5 INC | PARADISE CREEK PARK | 333441 | 3/13/18 | 39,618.99 |
| ORKIN | PEST AND RODENT CONTROL SERVICES FOR FY | 333442 | 3/13/18 | 882.00 |
| PACIFIC TELEMAGEMENT SERVICE | PACIFIC TELECOMMUNICATIONS SERVICES - MA | 333443 | 3/13/18 | 85.80 |
| PORTELLO CONCRETE INC | SEWER LINE REPLC. UPSIZING | 333444 | 3/13/18 | 49,276.51 |
| PRO BUILD | 45707 GENERAL SUPPLIES PW | 333445 | 3/13/18 | 1,342.27 |
| PROJECT PROFESSIONALS CORP | WESTSIDE MOBILITY IMPOV. | 333446 | 3/13/18 | 110,124.63 |
| PRUDENTIAL OVERALL SUPPLY | MOP# 45742. LAUNDRY SVC / NSD | 333447 | 3/13/18 | 817.72 |
| RANDALL LAMB ASSOCIATES INC | EMC COMMISSIONING | 333448 | 3/13/18 | 12,691.25 |
| RELY ENVIRONMENTAL | HAZARDOUS WASTE PICKUP / ENG | 333449 | 3/13/18 | 5,602.43 |
| RIVERSIDE SHERIFF'S DEPT | TRAINING TUITION TIDE OF SUICIDE / PD | 333450 | 3/13/18 | 36.00 |
| SAFeway SIGN COMPANY | SIGN BLANKS / PW | 333451 | 3/13/18 | 481.87 |
| SAN DIEGO COUNTY ASSESSOR | COUNTY RECORDS / NSD | 333452 | 3/13/18 | 4.00 |
| SAN DIEGO HOUSING FEDERATION | FAIR HOUSING CONFERENCE/ HOUSING | 333453 | 3/13/18 | 40.00 |
| SAN DIEGO UNION TRIBUNE | LEGAL NOTICES ADVERTISING | 333454 | 3/13/18 | 2,265.76 |
| SCLLN | 2018 MEMBERSHIP DUES FOR SCLLN - LIBRARY | 333455 | 3/13/18 | 150.00 |
| SCST INC | PEDEST. MIDBLOCK CROSSING PROJECT | 333456 | 3/13/18 | 8,893.25 |
| SDG&E | FACILITIES DIVISION GAS & ELECTRIC UTILITIES | 333457 | 3/13/18 | 24,670.39 |
| SIRSIDYNIX 774271 | HORIZON CLOUD MAINTENANCE / LIBRARY | 333458 | 3/13/18 | 20,030.82 |
| SITEONE LANDSCAPE SUPPLY LLC | 69277 LANDSCAPE SUPPLIES PW | 333459 | 3/13/18 | 566.69 |
| SMART & FINAL | MOP# 45756 LITERACY SUPPLIES - LITERACY | 333460 | 3/13/18 | 111.41 |
| SOSA, P | COURSE MILES REIMBURSEMENT/NSD | 333461 | 3/13/18 | 46.21 |
| SPRINGER | TRAINING ADV LODG SUB CRITICAL INCIDENT / PD | 333462 | 3/13/18 | 403.92 |
| STAPLES BUSINESS ADVANTAGE | MOP 45704 - OFFICE SUPPLIES - LIBRARY | 333463 | 3/13/18 | 459.82 |
| SUPERIOR READY MIX | DECOMPOSED GRANITE / PW | 333464 | 3/13/18 | 252.72 |
| SWEETWATER AUTHORITY | FACILITIES DIVISION WATER UTILITIES | 333465 | 3/13/18 | 19,496.40 |
| TSC GROUP INC | LEASE, STATION @33 / FIRE | 333466 | 3/13/18 | 2,302.78 |
| UNITED ROTARY BRUSH CORP | STREET SWEEPER REPAIRS / PW | 333467 | 3/13/18 | 265.43 |
| VALLEY INDUSTRIAL SPECIALTIES | 46453 PLUMBING SUPPLIES PW | 333468 | 3/13/18 | 268.27 |
| VERIZON WIRELESS | VERIZON CELLULAR SERVICE / FEBRUARY 2018 | 333469 | 3/13/18 | 10,698.72 |
| VISION INTERNET PROVIDERS | VISION LIVE ANNUAL SUBSCRIPTION | 333470 | 3/13/18 | 15,435.00 |
| VISTA PAINT | MOP# 68834. PAINT SUPPLIES / NSD | 333471 | 3/13/18 | 866.57 |
| VULCAN MATERIALS COMPANY | #16020, 3/4 INCH CL 2 BASE / PW | 333472 | 3/13/18 | 425.81 |
| WALTERS, W | REIMBURSEMENT FIELD TRAINING PR / PD | 333473 | 3/13/18 | 58.60 |
| Z A P MANUFACTURING INC | TRAFFIC SIGNS PW | 333474 | 3/13/18 | 490.65 |
| | | | A/P Total | 751,925.21 |

SECTION 8 HAPS**Start Date****End Date**

3/7/2018

3/13/2018

8,171.93**PAYROLL****Pay period****Start Date****End Date****Check Date**

6

2/27/2018

3/12/2018

3/21/2018

1,027,384.32**GRAND TOTAL****\$1,787,481.46**

Certification

IN ACCORDANCE WITH SECTION 37202, 37208, 372059 OF THE GOVERNMENT CODE, WE HEREBY CERTIFY TO THE ACCURACY OF THE DEMANDS LISTED ABOVE AND TO THE AVAILABILITY OF FUNDS FOR THE PAYMENT THEREOF AND FURTHER THAT THE ABOVE CLAIMS AND DEMANDS HAVE BEEN AUDITED AS REQUIRED BY LAW.



MARK ROBERTS, FINANCE

LESLIE DEESE, CITY MANAGER

FINANCE COMMITTEE

RONALD J. MORRISON, MAYOR-CHAIRMAN

ALBERT MENDIVIL, VICE-MAYOR

ALEJANDRA SOTELO-SOLIS, MEMBER

MONA RIOS, MEMBER

JERRY CANO, MEMBER

I HEREBY CERTIFY THAT THE FOREGOING CLAIMS AND DEMANDS WERE APPROVED AND THE CITY TREASURER IS AUTHORIZED TO ISSUE SAID WARRANTS IN PAYMENT THEREOF BY THE CITY COUNCIL ON THE 17TH OF APRIL 2018.

AYES _____

NAYS _____

ABSENT _____

The following page(s) contain the backup material for Agenda Item: Public Hearing and Adoption of an Ordinance of the City Council of the City of National City amending Chapter 10.43 of the National City Municipal Code concerning alcohol and illegal drug offenses by minors and juveniles. (City Attorney)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.

ITEM TITLE:

Public Hearing and Adoption of an Ordinance of the City Council of the City of National City amending Chapter 10.43 of the National City Municipal Code concerning alcohol and illegal drug offenses by minors and juveniles.

PREPARED BY: Nicole Pedone, Sr. Asst. City Attorney

DEPARTMENT: City Attorney

PHONE: 336-4221

APPROVED BY: 

EXPLANATION:

Please see attached staff report.

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

N/A

ENVIRONMENTAL REVIEW:

This activity is not a project as defined in Section 15378 of the California Code of Regulations; therefore, no further action is required under the California Environmental Quality Act.

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☒

STAFF RECOMMENDATION:

Adopt an ordinance amending Chapter 10.43 of the National City Municipal Code concerning alcohol and illegal drug offenses by minors and juveniles to strengthen the current Municipal Code by including marijuana as an illegal substance, adding clearer definitions, adding a knowledge element to the language of the City's Social Host Ordinance, and setting forth the remedies available to the City for violations of the ordinance.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

Staff Report
Proposed Ordinance



City Council Staff Report

April 3, 2018

ITEM

An Ordinance of the City Council of the City of National City amending Chapter 10.43 of the National City Municipal Code concerning alcohol & illegal drug offenses by minors and juveniles.

STAFF RECOMMENDATION

Adopt an Ordinance of the City Council of the City of National City amending Chapter 10.43 of the National City Municipal Code concerning alcohol & illegal drug offenses by minors and juveniles to strengthen the Ordinance including adding marijuana as an illegal substance, adding clearer definitions, adding a knowledge element to the language of the City's Social Host Ordinance and setting forth the remedies available to the City for violations of the Ordinance.

BACKGROUND

In November 2003, the City of National City approved Ordinance No. 2003-2235 (the "Social Host Ordinance") adding Chapter 10.43 to the National City Municipal Code, relating to alcohol and illegal drug offenses by minors and juveniles and reimbursement from responsible persons for the cost of enforcement services. The purpose of the Social Host Ordinance was threefold: (1) to protect public health, safety, and welfare; (2) to enforce laws prohibiting consumption of alcohol by minors; and (3) to reduce the costs of providing law enforcement services to parties by shifting the financial burden to irresponsible hosts instead. The Social Host Ordinance was intended to remedy and deter problems associated with underage drinking parties, including alcohol abuse, vandalism, excessive noise, traffic accidents, and physical altercations and injuries. The Social Host Ordinance makes it unlawful for a minor, a person under the age of twenty-one, to consume alcohol at any public place, place open to the public, or place not open to the public unless supervised by the minor's parent or guardian. Further, the Social Host Ordinance makes it unlawful for a person to allow or host a party at his or her home, or other premises under his or her control, where three or more minors are present and a minor consumes alcohol.

On September 7, 2004, the San Diego Superior Court's Appellate Division held, in an unpublished opinion, that the section of the San Diego City Social Host Ordinance that held a party host criminally liable violated a person's right to due process because the court believed a person could not be convicted of the offense if the host were unaware or would not reasonably know that a party was taking place or minors were consuming alcohol. There was a lack of

“mens rea in the ordinance” or an intent element. Following the court’s ruling, the City of San Diego amended its social host ordinance to add a “mens rea” or intent element. The current language in the National City’s Social Host Ordinance is similar to the former City of San Diego ordinance that was ruled “constitutionally impermissible” because it currently does not have a “mens rea” or an intent element. While the unpublished decision may not be citable as legal precedent, it is an indication of how a trial or appellate court might analyze our current Social Host Ordinance.

In addition, Proposition 64 made it legal for persons 21 years of age or older to: (1) smoke or ingest marijuana or marijuana products; (2) possess, process, transport, purchase, obtain, or give away to persons 21 years of age or older, without any compensation, 28.5 grams of marijuana, or 8 grams of concentrated marijuana, including as contained in marijuana products; and (3) possess, plant, cultivate, harvest, dry or process up to six living marijuana plants for personal use within the person’s private residence. (Health & Safety Code §11362.2(a)) The new law requires that marijuana in excess of 28.5 grams that is produced by plants kept pursuant to the personal cultivation provision of the law be kept in a locked space on the grounds of a private residence that is not visible from a public place. (Health & Safety Code §11362.2(a)) Due to the legalization of recreational marijuana, which includes the right to grow up to six living marijuana plants within the person’s private residence, amending the City’s Social Host Ordinance to include marijuana is essential to protect the health and safety of not only minors but also that of the community of large.

ANALYSIS AND PROPOSED ORDINANCE

Consumption of alcoholic beverages, marijuana, and other illegal substances by minors in public and private locations presents a myriad of problems for minors, the community, and law enforcement. In addition, some adults condone the use of alcohol, marijuana, and other illegal substances and supply these substances to minors at parties in their homes. Now there is an additional threat with marijuana being allowed to be grown in a private residence. An effective Social Host Ordinance gives law enforcement an important tool to deter the use of these substances and underage drinking parties. The Ordinance also provides consequences for those who choose to ignore underage drinking and marijuana laws and encourages behavior that exposes our community to unnecessary health and safety risks.

The proposed ordinance amends the Social Host Ordinance as follows:

1. Clearer definitions under section 10.43.010 expanding the list of those who could be held responsible for a violation to more than just a home owner; defining a “party, gathering or event” to mean a gathering of two or more persons; defining “residence or premises”; adding the definition of marijuana; and adding the definition of “social host”.
2. Adding marijuana to the list of substances prohibited by minors in public places, places open to the public or places not open to the public.
3. Adding a knowledge element by providing that it is unlawful for any person to host a party where that person knows, or reasonably should have known, that a minor has consumed an alcoholic beverage, marijuana, or any other illegal substance.

4. Imposing duties on the “host” to take all reasonable steps to prevent the consumption of alcohol, marijuana, or other controlled substances by any minor at the gathering which includes: (a) controlling access to the substances; (b) controlling the quantity at the gathering; (c) checking the ages of the guests; and (d) supervising the minors at the gathering.
5. Adding a prima facie evidence standard - if a person having control of the residence or premises is present at the time of the gathering, it shall be presumed that such person had the requisite knowledge or should have had the requisite knowledge;
6. Adding a constructive knowledge element that imputes a person with knowledge that a minor consumed the substance since such knowledge is obtainable by the exercise of reasonable care.
7. Amending section 10.43.040 to include a broader description of enforcement services. Enforcement of this Ordinance may involve police, fire, or code enforcement.
8. Expanding enforcement of the Ordinance to include criminal actions, civil penalties, nuisance abatement, civil actions including injunctive relief, and administrative actions.
9. Declaring a violation of Chapter 10.43 to be a public nuisance that may be enjoined civilly or administratively.

The proposed amendments, while making enforcement of the Social Host Ordinance more fact specific, will provide greater constitutional safeguards in its application to the citizens of National City.

FISCAL IMPACT

None

RECOMMENDATION

Adopt an Ordinance of the City Council of the City of National City amending Chapter 10.43 of the National City Municipal Code concerning alcohol & illegal drug offenses by minors and juveniles to strengthen the ordinance including adding marijuana as an illegal substance, adding clearer definitions, adding a knowledge element to the language of the City’s Social Host Ordinance and setting forth the remedies available to the City for violations of the Ordinance.

ORDINANCE NO. 2018 – 2447

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY
AMENDING CHAPTER 10.43 OF THE NATIONAL CITY MUNICIPAL CODE
PERTAINING TO ALCOHOL AND ILLEGAL DRUG OFFENSES
BY MINORS AND JUVENILES

WHEREAS, the City of National City (the “City”), pursuant to the police powers delegated to it by the California Constitution, has the authority to enact or amend laws which promote the public health, safety and general welfare of its residents; and

WHEREAS, the City Council of the City of National City (the “City Council”) finds that loud and unruly gatherings on private property where alcohol, marijuana, and/or other controlled substances are served to or consumed by minors are not only unlawful and harmful to the minors, but often pose a threat to public health, safety, quiet enjoyment of residential property and general welfare; and

WHEREAS, minors often obtain alcohol, marijuana, and other controlled substances at gatherings held on private property that are under the control of a person who knows or should know of the underage consumption or service; and

WHEREAS, National City is committed to the success and positive future of its community youth and supports efforts to decrease and prevent youth use of and exposure to non-medical marijuana and other drugs; and

WHEREAS, control of large parties, gatherings or events on private property is necessary when such activity is determined to be a detriment to the peace, health, safety, or general welfare of the public; and

WHEREAS, the City Council finds and determines that there is a need to amend Chapter 10.43 of the National City Municipal Code to include marijuana as described below in an effort to strengthen the existing provisions of the City’s “Social Host Ordinance” (“Ordinance”); and

WHEREAS, the City Council finds and determines that section 10.43.010 should be amended to add clearer definitions, Section 10.43.030 should be amended to add the requisite intent of the Ordinance to conform with state and federal law and Section 10.43.070 should be amended to set forth the remedies available to the City for violations of the Ordinance; and

WHEREAS, the City Council finds and declares that the purpose of amending this Ordinance is to protect public health, safety, and general welfare; and to enforce laws prohibiting the consumption of alcohol, marijuana, and/or controlled substances by minors.

NOW, THEREFORE, the City Council of the City of National City does ordain as follows:

Section 1. Title 10, Division V, Chapter 10.43 of the Municipal Code is amended to read as follows:

CHAPTER 10.43

ALCOHOL, MARIJUANA, AND OTHER CONTROLLED SUBSTANCES OFFENSES BY MINORS AND JUVENILES, AND REIMBURSEMENT FROM RESPONSIBLE PERSONS FOR THE COST OF ENFORCEMENT SERVICES

Sections:

| | |
|-----------|---|
| 10.43.010 | Definitions |
| 10.43.020 | Consumption of alcoholic beverages, marijuana, or other controlled substances by minors prohibited in public places, places open to public, or places not open to public. |
| 10.43.030 | Hosting, allowing a gathering where minors consuming alcoholic beverages, marijuana or other controlled substances prohibited. |
| 10.43.040 | Enforcement services at a party, gathering, or event on private property |
| 10.43.050 | Reimbursement for cost of law enforcement services |
| 10.43.060 | Reservation of legal options |
| 10.43.070 | Violations. |

10.43.010 Definitions.

A. For purposes of this Chapter, "marijuana" shall have the same meaning as the definition of that word in Section 11018 of the California Health and Safety Code.

B. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

C. "Alcoholic beverage" is as defined by Business and Professions Code section 23004.

D. "Controlled substances or illegal drugs" shall include all narcotics, drugs, or substances, whose possession and use are regulated under the Controlled Substances Act. Such term does not include any drug or substance for which the individual found to have consumed such substance has a valid prescription issued by a licensed medical practitioner authorized to issue such a prescription.

E. "Enforcement services" includes the salaries and benefits of law enforcement, fire, code enforcement personnel, or other emergency response providers for the amount of time actually spent in responding to, or in remaining at, or otherwise dealing with the party, gathering, or event and the administrative costs attributable to the incident; the actual cost of any medical treatment to injured law enforcement, fire, code enforcement personnel, or other emergency response personnel; and the cost of repairing any damaged City equipment or property; and the cost arising from the use of any damaged equipment in responding to, remaining at, or leaving the party, gathering, or event.

F. "Juvenile" means any person under eighteen (18) years of age.

G. "Guardian" means (1) a person who, under court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

H. "Minor" means any person under twenty-one (21) years of age.

I. "Parent" means a person who is a natural parent, adoptive parent, or step-parent of another person.

J. "Party, gathering, or event" means a party or gathering of two or more persons at or on a residence or other private property or premises, who have assembled or are assembling for a party, social occasion or social activity.

K. "Residence or premises" means a hotel or motel room, home, yard, apartment, condominium, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or for a party or other social function, whether private property or public place, and whether owned, leased, rented, or used with or without compensation.

L. "Responsible person" includes, but is not limited to: (1) The person(s) who owns, rents, leases, or otherwise has control of the premises where the party, gathering or event takes place; (2) the person(s) in charge of the premises including the landlord of another person responsible for the gathering; or (3) any persons(s) who host, organize, supervise, permit, officiate, conduct or control the gathering or any other persons accepting responsibility for such a gathering. If a person responsible for the event is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the costs incurred for enforcement services pursuant to this Chapter. To incur liability for enforcement services imposed by this Chapter, the responsible person for the gathering need not be present at such gathering resulting in the response giving rise to the imposition of enforcement services. This Chapter therefore imposes vicarious as well as direct liability upon a responsible person.

M. A "social host" is an adult who permits a party, gathering, or event where one or more minors consume one or more alcoholic beverages, marijuana or other controlled substances on property owned or controlled by an adult.

10.43.020 Consumption of alcoholic beverages, marijuana, or other controlled substances by minors prohibited in public places, places open to public, or places not open to public. Except as permitted by state law, no minor shall:

A. Consume at any public place or any places open to the public any alcoholic beverage, marijuana or other controlled substance; or

B. Consume at any place not open to the public any alcoholic beverage, marijuana, or other controlled substance, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.

10.43.030 Hosting, allowing a gathering where minors consuming alcoholic beverages, marijuana and other controlled substances prohibited.

A. Except as permitted by Article 1, Section 4, of the California Constitution, it is unlawful for any person having control of any premises who knows or should reasonably know that he or she has hosted, permitted, or allowed a gathering to take place at said premises, where at least one minor consumes an alcoholic beverage, marijuana or other controlled substance wherever the person having control of the premises either knows a minor has consumed an alcoholic beverage, marijuana or other controlled substance or reasonably should have known that a minor consumed an alcoholic beverage, marijuana or other controlled substance by a minor.

B. It is the duty of any person having control of any premises, who knows or should know that he or she has hosted, permitted, or allowed a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages, marijuana, or other controlled substances by any minor at the gathering. Reasonable steps include, but are not limited to:

(1) controlling access to alcoholic beverages, marijuana, or other controlled substances at the gathering;

(2) controlling the quantity of alcoholic beverages, marijuana or other controlled substances present at the gathering;

(3) verifying the age of the persons attending the gathering by inspecting drivers licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages, marijuana or other controlled substances while at the gathering; and

(4) supervising the activities of minors at the gathering.

C. Whenever a person having control of a residence or premises is present at the residence or premises at the time that a minor possesses or consumes any alcoholic beverage or controlled substance thereon, it shall be prima facie evidence that such person had the knowledge or should have had the knowledge specified in this section.

D. A person who hosts, permits, or allows a gathering shall be deemed to have actual or constructive knowledge that a minor has consumed or possessed alcoholic beverages, marijuana, or controlled substances if the person has not taken all reasonable steps to prevent the consumption or possession of alcoholic beverages, marijuana or controlled substances by a minor or as set forth in this section.

E. This section shall not apply to conduct involving the administration of alcohol to or use of an alcoholic beverage by a minor child which occurs exclusively under the supervision of his or her parent or legal guardian, or to the consumption of an alcoholic beverage at any place regulated by the California Department of Alcoholic Beverage Control.

10.43.040 Enforcement services at a party, gathering, or event on private property.

When any party, gathering or event occurs on private property as described in Section 10.43.030 and a police officer, fire or code enforcement personnel, or other emergency response providers at the scene determines that there is a threat or detriment to the public peace, health, safety or general welfare, the person(s) responsible for the party, gathering or event shall be liable for the actual cost of enforcement services provided during a response by the police, fire, code enforcement personnel, or other emergency response providers.

10.43.050 Reimbursement for cost of law enforcement services. The actual cost of the enforcement services described in Section 10.43.040 shall be deemed a debt owed to the City by the person responsible for the event and, if that person is a juvenile, their parents or guardians. Any person owing such debt after demand has been refused shall be liable in an action brought in the name of the City for recovery of the same.

10.43.060 Reservation of legal options. The City of National City reserves its right to seek reimbursement for actual costs of enforcement services through other legal remedies or procedures. The procedure provided for in this Chapter is in addition to any other statute, ordinance, or law, civil or criminal. This Chapter in no way limits the statutory authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Article.

10.43.07 Violations.

A. General Penalty. All means of enforcement authorized under this code may be used to address violations of this Chapter, including, but not limited to: criminal actions, civil penalties, nuisance abatement, civil actions including injunctive relief, and administrative citations. Violations of this Chapter may be charged as a misdemeanor in accordance with National City Municipal Code Chapter 1.20 and shall be punishable to the fullest extent of the law including a one thousand dollar fine and/or six months of jail.

B. Public Nuisance. A violation of this Chapter is hereby declared to be a public nuisance and may be enjoined civilly or administratively. In addition, it is unlawful and a misdemeanor to maintain a public nuisance.

Section 2. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this ordinance and adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

Section 3. This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

PASSED and ADOPTED this 17th day of April, 2018.

Ron Morrison, Mayor

ATTEST:

Michael R. Dalla, City Clerk

APPROVED AS TO FORM:

Angil P. Morris-Jones
City Attorney

The following page(s) contain the backup material for Agenda Item: Public Hearing and Resolution of the City Council of the City of National City approving or denying a Conditional Use Permit and Coastal Development Permit for a gas station and convenience store with beer and wine sales to be located at 724 Civic Center

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: | April 17, 2018 |

AGENDA ITEM NO. |

ITEM TITLE:

Public Hearing and Resolution of the City Council of the City of National City approving or denying a Conditional Use Permit and Coastal Development Permit for a gas station and convenience store with beer and wine sales to be located at 724 Civic Center Drive in the Coastal Zone. (Applicant: Stosh Podeswik) (Case File 2017-03 CUP, CDP)

PREPARED BY: | Martin Reeder, AICP |



DEPARTMENT: | Planning |

PHONE: | 336-4313 |

APPROVED BY: _____



EXPLANATION:

The project applicant has applied for a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) to construct a gas station and convenience store. The convenience store proposes to sell beer and wine for off-site consumption as well as other grocery items typically sold in convenience stores.

The Planning Commission conducted a public hearing on March 5, 2018 on the project. The Commissioners asked questions regarding facility design, conditions of approval, and the future Bayshore Bikeway in this location. The Commission voted to recommend approval of the proposal, with modified alcohol sales hours of 8 a.m. to 12 midnight daily, based on attached findings and Conditions of Approval.

City Council considered a Notice of Decision of the Planning Commission's approval of the CUP at their meeting of March 20, 2018, and after hearing public comment, voted to set the item for public hearing.

The attached Planning Commission staff report describes the proposal in detail.

FINANCIAL STATEMENT:

ACCOUNT NO. |

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Categorical Exemption – Class 32, Section 15332 (In-Fill Development Projects)

ORDINANCE: ☐ **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit and Coastal Development Permit.

BOARD / COMMISSION RECOMMENDATION:

The Planning Commission recommended approval of the Conditional Use Permit and Coastal Development Permit.

Ayes: DelaPaz, Flores, Garcia, Sendt, Quintero, Yamane

Absent: Baca

ATTACHMENTS:

- | | |
|--|---|
| 1. Overhead | 6. Police Dept. comments and maps |
| 2. Background Report | 7. CEQA Notice of Exemption |
| 3. Recommended Findings & Conditions | 8. Planning Commission Resolution 2018-03 (a) |
| 4. Reduced Plans | 9. Public Hearing Notice |
| 5. Community Meeting info and Public Comment | 10. Resolutions |

2017-03 CUP, CDP – 724 Civic Center Drive – Overhead



BACKGROUND REPORT

Staff Recommendation

Staff recommends approval of the Conditional Use Permit (CUP) and Coastal Development Permit (CDP) for the gas station and convenience store. Staff recommends hours of alcohol sales that are consistent with recent similar approvals. The property has languished and remained vacant for several years. Redevelopment of the property would be a benefit to the surrounding area.

Executive Summary

The project applicant has applied for a CUP and CDP to construct a gas station and convenience store. The project site is an existing 25,466 square-foot gas station property, most recently operated as a metal recycling center, located at 724 Civic Center Drive. The new gas station would have eight fueling stations. The convenience store proposes to sell beer and wine for off-site consumption as well as other grocery items typically sold in convenience stores.

History

This project was originally scheduled for a hearing at the Planning Commission meeting of October 16, 2017. After the posting of the public notice for the item, the applicant requested changes to the application that required additional analysis. In addition, the required community meeting was yet to be held. Staff recommended at that time that the item be continued in order to process the additional information and for the community meeting to occur. The Planning Commission continued the item to a future meeting.

Site Characteristics

The project site is at the southwest corner of Civic Center Drive and Harbor Drive in the Coastal Zone. The property is generally an island surrounded by roadways. It is at the junction of Harbor Drive and the southbound Interstate 5 on-ramp. The last use of the property was A-1 Alloys Recycling Center. The business is now closed.

The lot is shown on the current zoning map as being in the Medium Industrial (IM) zone, and also within the Coastal Zone (CZ). The most recent Land Use Code Update is not active in the Coastal Zone. This is due to the fact that the necessary changes in the City's Local Coastal Plan have not been completed. Therefore, the City's previous zoning would generally apply. In this case the zone would have been MM-CZ (Medium Manufacturing – Coastal Zone) – essentially the same zone.

Attachment 2

Proposed Use

The applicant is proposing to demolish the existing building and construct a new gas station and a 2,400 square-foot convenience store, including 22 doors of refrigerated product. The site plan for the 25,466 square-foot property shows fifteen parking spaces and four double-sided fuel pumps. The proposal includes the sale of beer and wine, as well other grocery items, which will be displayed in seven of the 22 coolers. The applicant is requesting alcohol sales between the hours of 6:00 a.m. and 2:00 a.m., the maximum permitted by the State.

Analysis

General Plan

The project proposal is located in the Medium Manufacturing (MM) zone, which is designated within the larger industrial district west of Interstate 5. The MM zone establishes intermediate industrial uses in areas in which production and processing activities involve some degree of noise, vibration, air pollution, radiation, glare phenomena, and fire and explosive hazards. The proposed gas station and convenience store are consistent with this definition (provided by the previous General Plan).

Land Use Code (LUC)

Under the applicable LUC section, both the gas station and sale of nonautomotive products in excess of 216 cubic feet require issuance of a CUP. In addition, the sale of alcohol also requires a CUP.

Chapter 18.98 (Service Stations) includes design guidelines and site development standards for new gas stations. These standards include minimum lot size (15,000 square feet), minimum landscape amount (5% of the lot), and building design and materials, which are discussed below. The proposal is consistent with all requirements of Chapter 18.98.

Architecture

The proposed architectural style of the convenience store building is modern in nature and features smooth stucco with expansion joints and decorative coving along the roofline. Colors shown on plans are generally light in nature (e.g. white, off white, cream). There is no established architectural style in the surrounding neighborhood; nearby buildings are generally metal industrial buildings in varying stages of maintenance. In addition, the lot is separated from all other properties by the surrounding roadways.

In addition to the convenience store building, an awning is proposed that would cover the eight gas pumps. The awning would be approximately the same size as the convenience store building, albeit square rather than rectangular. The colors would be the same as the store.

Coastal Zone

The project area is not within an area of retained Coastal Commission permit jurisdiction or in an area of appeal jurisdiction. The project site is generally in an area that is exempt from Coastal Permit requirements (area zoned medium manufacturing north of 24th Street). However, the requirement for a discretionary permit (CUP) triggers the need for a CDP. As part of this discretionary review, the Planning Commission must find that granting of a CDP is consistent with and implements the Certified Local Coastal Program. The project is compliant with this finding in that it involves a service use, which is conditionally allowed in the MM-CZ zone, and will not prohibit coastal access or obstruct views.

Traffic and circulation

According to traffic generation rates published by SANDAG (San Diego Association of Governments) a gas station with eight fuel pumps would generate approximately 1,280 average daily trips (ADT). The property is at the junction of Harbor Drive, an arterial street; Civic Center Drive, a collector street; and Interstate 5, a freeway. Based on the City's General Plan, Civic Center Drive east of the project (Harbor Drive to Wilson Avenue) is currently operating below capacity and at a Level of Service of C (A being the highest).

The applicant provided a Traffic Impact Analysis (TIA), which found that there would be no calculated traffic impacts; therefore, mitigation measures are not required. The total new and diverted trips would equate to 922 ADT, less than the estimated 1,280 ADT quoted by SANDAG. This is due to 358 trips being pass by trips (those already driving past the site).

Parking

There is no specific parking requirement for a gas station in the LUC. However, a convenience store would need a ratio of one parking space for every 250 square feet of floor area. A store that is 2,400 square feet in size requires 10 parking spaces, which are provided. The site plan shows 15 parking spaces, most of which do not meet the minimum dimension of nine feet wide by 18 feet deep. A condition has been included to ensure that all provided parking spaces meet the minimum dimensions specified in the LUC. This would likely reduce the total number to less than 15. However, there is enough room for the minimum of ten spaces.

Bicycle Access

The site is adjacent to a probable future portion of the Bayshore Bikeway, which is intended to connect southbound Harbor Drive to McKinley Avenue south of the project site. The bike path segment would pass along the eastern property line of the site and under the southbound off-ramp from Interstate 5 to Civic Center Drive. The bikeway will be predominantly within the Caltrans right-of-way adjacent to the property. However, it is likely that the path will cross through the northwest portion of the property. In that case this area will be needed for construction of the bike path and would ultimately be reserved through easement. The easement area would potentially conflict with some of the proposed parking spaces. Because the site plan provides more than the required number of spaces, the loss due to the bike path will not be an issue. The spaces would ultimately need to be removed or relocated once the bike path is constructed. The developer is aware of the potential path and has agreed to provide room for it.

While the exact alignment of the bikeway is not known at this time, it would be prudent to assume that the two uses will be in close proximity. In order to compliment the bikeway, staff suggests that the gas station property include a future bicycle amenity to accommodate passing cyclists, such as bicycle parking. The LUC requires a minimum of one bicycle space per 20 parking spaces for a retail use. A Condition of Approval has been included to include this amenity.

California Environmental Quality Act (CEQA)

Impacts related to gas stations usually focus on traffic, hazardous materials, and air quality. In the case of this project, the property has historically been a gas station, although more recent use was not related to gasoline sales, but rather metal recycling. Because of the previous uses, only traffic was analyzed. The applicant provided a TIA, which found that there would be no calculated traffic impacts; therefore, the project is considered categorically exempt from CEQA under Class 32, Section 15332 (In-Fill Development Projects).

Beer and wine sales

Section 18.30.050 of the LUC allows for on-site alcohol sales with an approved CUP. Additional requirements for alcohol CUPs include expanded notification, a community meeting, and distance requirements. The convenience store would be open 24 hours a day. The proposed hours of alcohol sales are 6:00 a.m. to 2:00 a.m., which is the maximum allowed by the California Department of Alcoholic Beverage Control (ABC). For reference, the most recent gas station and convenience store CUP that included the sale of alcohol (Shell at 8th & Palm) had alcohol sales hours of 8:00 a.m. to midnight. Staff recommends alcohol sales that are more consistent with recent approvals. A

condition is included to require that coolers with alcohol be locked outside of approved sales hours.

Mailing – All property owners and occupants within a distance of 660 feet are required to be notified of a public hearing for alcohol-related CUP applications. Notice of this public hearing was sent to 79 people, 47 occupants, and 32 owners.

Community Meeting – The applicant for a CUP involving the sale of alcohol is required to hold a community meeting pursuant to Section 18.30.050 (C) of the LUC. Such a meeting was held Friday, January 26, 2018 at 3:30 p.m. at the subject location. The meeting advertisement is attached. There were three community members in attendance. Comments involved traffic concerns, the preference of a park instead of a gas station, and concerns over panhandlers, which were prevalent during operation of the previous recycling property at this location. The applicant responded to the questions, citing the traffic study conducted as part of the project, the busy location being inappropriate for a park, and describing business operations.

Distance Requirements – Chapter 18.030.050 (D) requires a 660-foot distance from sensitive uses such as schools; however, there are no schools nearby. The nearest school is Kimball Elementary School, which is approximately a third of a mile away on the other side of Interstate 5.

Alcohol Sales Concentration/Location – Per ABC, there are currently five off-sale permits issued in the subject census tract (219). Two of the other off-sale licenses are gas stations, and the other three are markets. These permits are:

| Name | Address | License Type* |
|-------------------------|--------------------------|---------------|
| Arco Gas Station | 133 W 8 th St | 20 |
| Valero Gas Station | 10 Osborne St | 20 |
| One Ten Liquor & Market | 110 National City Blvd | 21 |
| Big B Market | 1540 Coolidge Ave | 20 |
| Cozine's Grocery | 402 Civic Center Dr | 21 |

- * Type 20 - Off-Sale Beer and Wine
- Type 21 - Off-Sale General

Census tract 219 is comprised of the whole west side of the City from National City Blvd. to San Diego Bay. The attached census tract map shows the location of the subject tract. ABC recommends that a total of four off-sale alcohol permits be issued in this census tract, where five exist. Although the census tract is over-concentrated, the licenses are spread out over a large geographic area.

Police Department (PD)

Consistent with recent policy, PD provided a Risk Assessment report on the property. The assessment assigns points based on the type of business, license concentration, and calls for service (among others) and ranks the business according to potential risk (low, medium, or high). In this case, the property received 13 points, which would indicate a medium risk (13-18 points). The Risk Assessment is attached.

Institute for Public Strategies (IPS)

As of the writing of this report, no comments have been received from IPS. However, based on recent comments provided for alcohol CUPs, IPS typically recommends that owners, management, and staff be required to attend Responsible Beverage Sales and Service (RBSS) training. This requirement is a standard condition of City Council Policy 707 and is included as a condition of approval.

Findings for Approval

The Municipal Code pertaining to the Coastal Zone contains required findings for CUPs. There are four required findings, five when the project also involves a CDP:

1. That the site for the proposed use is adequate in size and shape.

The 25,466 square-foot property is in excess of the 15,000 square feet required by Section 18.98 of the Municipal Code. Additionally, all buildings and parking spaces can be installed to meet all setback and site design requirements.

2. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use.

The site has direct access to Harbor Drive, an arterial street; Civic Center Drive, a collector street; and Interstate 5, a freeway, which can accommodate the additional 1,280 ADT that would be generated by the project. The TIA submitted with this application has shown that the existing street network can function at a Level of Service (LOS) of D or better without the need for mitigation.

3. That the proposed use will not have an adverse effect upon adjacent or abutting properties.

The project is a use consistent with the MM zone description in the General Plan and will be subject to conditions of approval that ensure safe operation of the business.

4. That the proposed use is deemed essential and desirable to the public convenience or welfare.

The project will provide a service in need for local and regional drivers requiring automobile refueling and associated services. The use is consistent with the MM zone description, which is intended for uses in areas in which activities involve some degree of noise, vibration, air pollution, radiation, glare phenomena, and/or fire and explosive hazards.

5. That the granting of this CUP is consistent with and implements the Certified Local Coastal Program.

This finding is addressed in the "Coastal Zone" section above.

There are two additional conditions of approval related to CEQA compliance and public convenience and necessity for the alcohol sales:

6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act.

This finding is addressed in the "California Environmental Quality Act (CEQA)" section above.

7. That the proposed use is deemed essential and desirable to the public convenience and necessity.

Beer and wine sales will contribute to the viability of the gas station convenience store, an allowed use in the MM zone. Alcohol sales would also add to the convenience of the consumer, in that customers would be able to purchase alcohol at the same outlet that they are purchasing other products and would not need to visit multiple locations.

Findings for denial

There are also three findings for denial included with this application:

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located.

The census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets. Five off-sale outlets are permitted where four are recommended by the ABC. In addition, the area has a high crime rate.

2. That the proposed use is not deemed essential and desirable to the public convenience and necessity.

There are five other off-sale alcohol outlets located in the same census tract as the subject property where alcohol can be purchased, two of which are also gas stations.

3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

Conditions of Approval

Comments were received from the Building, Engineering, and Fire departments, as well as Sweetwater Authority. Comments focused on Building and Fire Code requirements, stormwater compliance, drainage, street improvements, and permits. All comments are included as Conditions of Approval. Sweetwater Authority comments focused on fire flow and plan submittal.

Planning Commission hearings

The Planning Commission conducted a public hearing on March 5, 2018 on the project. The Commissioners asked questions regarding facility design, conditions of approval, and the future Bayshore Bikeway in this location. The Commission voted to recommend approval of the proposal, with modified alcohol sales hours of 8 a.m. to 12 midnight daily, based on attached findings and Conditions of Approval.

Summary

A gas station and convenience store are conditionally-permitted uses in the MM zone. In addition, any discretionary review requires a CDP. The project meets all design guidelines and development standards of the LUC, and is consistent with the General Plan and Local Coastal Plan. The area in which the business would be located is removed from sensitive uses and has ample access to accommodate the proposed uses on site. As a result, the use is not expected to create any significant impacts. Alcohol sales are consistent with other commercial businesses in the census tract, including two gas stations. The business will be subject to standard conditions of approval along with those in Council policy 707 related to alcohol sales. The proposed use will be subject to conditions that limit the sale of alcohol and restrict the hours that it will be available.

OPTIONS

1. Approve 2017-03 CUP, CDP subject to the conditions listed below, based on attached findings or findings to be determined by the City Council; or,
2. Deny 2017-03 CUP; CDP based on attached findings or findings to be determined by the City Council; or,
3. Continue the item for further information

RECOMMENDED FINDINGS FOR APPROVAL
OF THE CONDITIONAL USE PERMIT
AND COASTAL DEVELOPMENT PERMIT
2017-03 CUP, CDP – 724 Civic Center Drive

1. That the site for the proposed use is adequate in size and shape, because the 25,466 square-foot property is in excess of the 15,000 square feet required by Section 18.98 of the Municipal Code. Additionally, all buildings and parking spaces can be installed to meet all setback and site design requirements.
2. That the site has sufficient access to streets and highways that are adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use, because the site has direct access to Harbor Drive, an arterial street; Civic Center Drive, a collector street; and Interstate 5, a freeway, which can accommodate the additional 1,280 ADT that would be generated by the project. The TIA submitted with this application has shown that the existing street network can function at an LOS of D or better without the need for mitigation.
3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, because the project is a use consistent with the Medium Manufacturing (MM) zone description in the General Plan and will be subject to conditions of approval that ensure safe operation of the business
4. That the proposed use is deemed essential and desirable to the public convenience or welfare, because the project will provide a service in need for local and regional drivers requiring automobile refueling and associated services. The use is consistent with the MM zone description, which is intended for uses in areas in which activities involve some degree of noise, vibration, air pollution, radiation, glare phenomena, and/or fire and explosive hazards.
5. That the granting of this Conditional Use Permit is consistent with and implements the Certified Local Coastal Program, because the project is located within an area generally exempt from a Coastal Development Permit; involves a service use, which is conditionally allowed in the MM-CZ zone; and will not prohibit coastal access or obstruct views.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use qualifies for a categorical exemption from CEQA under Class 32, Section 15332 (in-Fill Development Projects).

7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because beer and wine sales will contribute to the viability of the gas station convenience store, an allowed use in the MM zone. Alcohol sales would add to the convenience of the consumer, in that customers would be able to purchase alcohol at the same outlet that they are purchasing other products and not needing to visit multiple locations for their needs.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED FINDINGS FOR DENIAL
OF THE CONDITIONAL USE PERMIT
AND COASTAL DEVELOPMENT PERMIT
2017-03 CUP, CDP – 724 Civic Center Drive

1. Granting the permit would constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the census tract in which the subject property is located is currently over-concentrated with regard to off-sale alcohol outlets – five off-sale outlets are permitted where four are recommended by the California Department of Alcoholic Beverage Control – and the area has a high crime rate.
2. That the proposed use is not deemed essential and desirable to the public convenience and necessity, because five other off-sale alcohol outlets are located in the same census tract as the subject property.
3. That based on findings 1 and 2 above, public convenience and necessity will not be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

RECOMMENDED CONDITIONS OF APPROVAL

2017-03 CUP, CDP – 724 Civic Center Drive

General

1. This Conditional Use Permit and Coastal Development Permit authorize a gas station with a convenience store, including the sale of beer and wine. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, case file no. 2017-03 CUP, CDP, dated 2/28/2017.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. **Checks shall be made payable to the County Clerk** and submitted to the National City Planning Department.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Land Use Code.
4. Before this *Conditional Use Permit and Coastal Development Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit and Coastal Development Permit.** The applicant shall also submit evidence to the satisfaction of the City Manager or designee that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit and Coastal Development Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or designee prior to recordation.

Building

5. Plans submitted for demolition or construction improvements must comply with the 2016 editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Engineering

6. A Hydrology study (100 year flood) is required for the new project. The study should consider the proposed project area to the closest municipal storm drain collection point. The study should consider the adequacy of the existing storm drain system to convey

any additional run off. All Hydrology study findings and recommendations are part of Engineering Department requirements.

7. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
8. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
9. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
10. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall be remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.
11. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
12. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the

parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.

13. All existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
14. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be 6-inch in size with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.
15. Separate street and sewer plans, prepared by a Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.
16. A soils engineering report shall be submitted for the Engineering Department's review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
17. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced. Specifically all sidewalk and curb and gutter. Sidewalk shall be in accordance with San Diego Regional Standard Drawings (SDRSD) G-7, G-9, G-10 and G-11 curb and gutter shall be 8" and be in accordance with National City Modified SDRSD G-2.
18. The existing pedestrian ramp(s) at the following location(s) shall be removed and replaced with standard ramp complying with the ADA requirements and the SDRSD G-29 (Type C) located on the southeasterly corner of Civic Center Drive and Cleveland Avenue.
19. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.

20. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.
21. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
22. A title report shall be submitted to the Engineering Department, after the Planning Commission approval, for review of all existing easements and the ownership at the property.
23. NO PARKING zone(s) (red curbing) shall be provided and/or replaced after new curb has been installed.
24. The existing non-operational abandoned pay telephone on Civic Center Drive adjacent to the westerly driveway shall be removed.
25. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
26. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.
27. The owner/developer shall submit plans to Cal Trans for their review to ensure that any conflicts with State Right of Ways and Facilities are addressed.

Fire

28. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC), National Fire Protection Association (NFPA), and California Code of Regulations (CCR).
29. Fire apparatus access roads shall comply with the requirements of Section 5 CFC 2013 and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
30. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all-weather road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a

fire apparatus road, the minimum road width shall be 26 feet. A 28 foot turning radius is required for Fire Department access through site. All Fire Department access roads shall be painted and signed to prevent parking in these required designated emergency areas

31. Grade of fire apparatus road shall be within the limits established (15% grade) by the fire code official based on fire department's apparatus.
32. The vapor recovery unit (Healy Tank) shall comply with Chapter 23 section 2306.7.9.1 – 2306.7.9.2.4 of the California Fire Code. Additionally, lot lines and proximity to surrounding properties where Healy Tanks are proposed, shall meet CFC, NFPA and all City Department requirements. Please contact the National City Fire Department on required protective enclosure for vapor tank.
33. Underground fuel tank removal and replacement will require permit and inspections from the National City Fire Department.
34. Emergency service access to the trash enclosure shall be maintained at all times for the life of project.
35. Exit signs shall be provided at all required exits. Exit signs shall be green in color per the National City Municipal Code.
36. All fire sprinkler and fire alarm plans shall be submitted directly to the National City Fire Department.
37. Soft drink CO2 dispensing systems require a permit and inspection per the California Fire Code Chapter 53 section 5307 – *Systems used in beverage dispensing applications*.
38. A 48-hour notice is required for all inspection provided by the National City Fire Department.

Planning

39. Plans submitted for construction shall include accommodation for bicycle access along the east property line adjacent to the Interstate 5 southbound on-ramp. In lieu of actual improvements, areas within 20 feet of the curb on the east property line shall be set aside until such time as the Bayshore Bikeway is constructed. This area should be landscaped in the interim period. In the event the bikeway does not require any future easement on the subject property, the area set aside may be converted to parking area subject to Condition Number 41.
40. At minimum, one bicycle parking space shall be installed on the property. Additional spaces to accommodate future bicycle traffic should also be included.
41. All parking spaces must meet minimum dimensions as stated in the Land Use Code. Standard parking spaces shall be a minimum dimension of nine wide by 18 feet deep.

Up to 25% of required parking spaces may be compact in size (eight feet by 16 feet). Parking spaces currently shown in the future bikeway area required by Condition Number 39 shall be relocated accordingly.

42. A landscape and underground irrigation plan shall be submitted as part of the construction permitting process. All landscaping and irrigation improvements shall be maintained for the life of the project.
43. Business operations shall comply with Municipal Code Title 12 (Noise) at all times.
44. Plans submitted for construction shall conform to Land Use Code Section 18.42.040 (Screening mechanical equipment and elevator housing) and 18.46 (Outdoor Lighting), and 18.98 (Service Stations).
45. Plans submitted for construction permits shall show that a cover for all trash enclosures be provided.
46. The project will be required to obtain an operation permit from the San Diego County Air Pollution Control District (APCD), which will be subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) and Air Toxic Control Measures (ATCM).
47. Violation of APCD licensing/permitting or any other state licensing department shall be a violation of this Conditional Use Permit and Coastal Development Permit.
48. Any planned exterior propane tank shall be screened in compliance with Land Use Code Section 18.42.040.
49. All proposed business signage shall be in conformance with Land Use Code requirements.
50. The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit B, Case File No. 2017-03 CUP, CDP, dated 2/27/2018.
51. The sale of alcoholic beverages for off-site consumption shall be limited to the hours of 8:00 a.m. and 12:00 a.m. seven days a week.
52. Coolers containing alcohol products shall be locked and made inaccessible to the public between the hours of 12:00 a.m. and 8:00 a.m.
53. The sale of beer or malt beverages in quantities of quarts, 22-ounce, 32-ounce, 40-ounce, or similar size containers is prohibited.
54. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
55. No sale of wine or distilled spirits shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.

56. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's prepackaged multi-unit quantities.
57. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
58. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
59. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
60. Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Department, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
- a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."
61. Containers of distilled spirits may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
62. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
63. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
64. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a

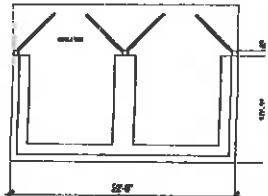
City business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

Sweetwater Authority

65. The property owner must submit a letter to the Authority from the appropriate fire agency stating fire flow requirements. Based on this requirement, new water systems or substantial alteration to the existing water system may be needed.
66. An approved backflow prevention assembly is required for water services serving all commercial developments. Water facilities shall be designed and installed in accordance with the current Sweetwater Authority Design Standards and the Standard Specifications for Construction of Water Facilities.
67. Once a building permit is obtained by the Owner, the Owner shall submit approved stamped plans from the lead agency where the project is located. The approved submittal must include a site plan, floor plan, plumbing plan showing total fixture count, including daily water demands for domestic and irrigation use in gallons per day, and a fire sprinkler plan (if applicable) so that water facilities can be verified.

724 CIVIC CENTER DRIVE NATIONAL CITY, CA. 92117

CIVIC CENTER DRIVE



TRASH ENCLOSURE

ARCHITECTURAL SITE PLAN

EXHIBIT: A
CASE FILE NO.: 2017-03 CUP, COP
DATE: 1/27/2018

CUP 2017-03

PROJECT ADDRESS: 750 0TH AVENUE
SUITE 200
MINNEAPOLIS, MN 55415

CONTACT: GLENN D. WILSON
VICE PRESIDENT
11 CALHOUN ST
ST. CLOUD, MN 56301

PHONE: 952-845-0000

EMAIL: GWILSON@WILSONCORP.COM

APR: 888-645-6143

LEGAL DESCRIPTION: PORTLAND CEMENT SQ. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20

LOT SIZE: 10,000 S.F. (228,122 S.F.)

OWNER: WILSON

| FLOOR AREA | | TOTAL |
|--------------------|-----------|-----------|
| G-AREA: | | 2,944 SF. |
| PAVING TABULATION: | | |
| TYPE | REQUIRED | PROPOSED |
| GRAVEL | 1,374 SF. | 1,374 SF. |

PROJECT SCOPE

THE APPROVALS FOR THE CONSTRUCTION OF:
THE CONSTRUCTION OF A 300-0.P. CONTAINER STATION WITH PILING AT 10' FROM
DOCK AND WARE WILL BE REQUIRED BEING

| | |
|---|---|
| ARCHITECT: | CIVIL ENGINEER: |
| STERN DESIGN ASSOCIATES 400 PINE ST. SUITE 200 SAN FRANCISCO, CA 94104 CONTACT: JEFF POKORNY PHONE: (415) 398-6541 | CHIL LAWRENCE 1100 CALIFORNIA ST. #10 SAN FRANCISCO, CA 94109 CONTACT: CHIL LAWRENCE (415) 398-1212 |
| LANDSCAPE ARCHITECT: | SURVEY: |
| DAVID LANGE LANDSCAPE ARCHITECT 611 CALIFORNIA ST., SUITE 7 SAN FRANCISCO, CA 94104 CONTACT: DAVID LANGE (415) 398-1212 | ACCOB ASSOCIATES 201 ALVARADO BLVD., #4 SAN FRANCISCO, CA 94102 CONTACT: BO FRIZZELL (415) 441-3111 |

[illegible]

| REF | SHEET TITLE | SPEC. TO | SHEET TITLE |
|-----|-------------------------|----------|-------------|
| 01 | TITLE SHEET & SITE PLAN | | |
| 02 | SURVEY | | |
| 03 | PRELIMINARY EROSION | | |
| 04 | FLYING MOUNTAIN TRAIL | | |
| 05 | CONCRETE PLAN | | |
| 06 | PRELIMINARY LAYOUT | | |

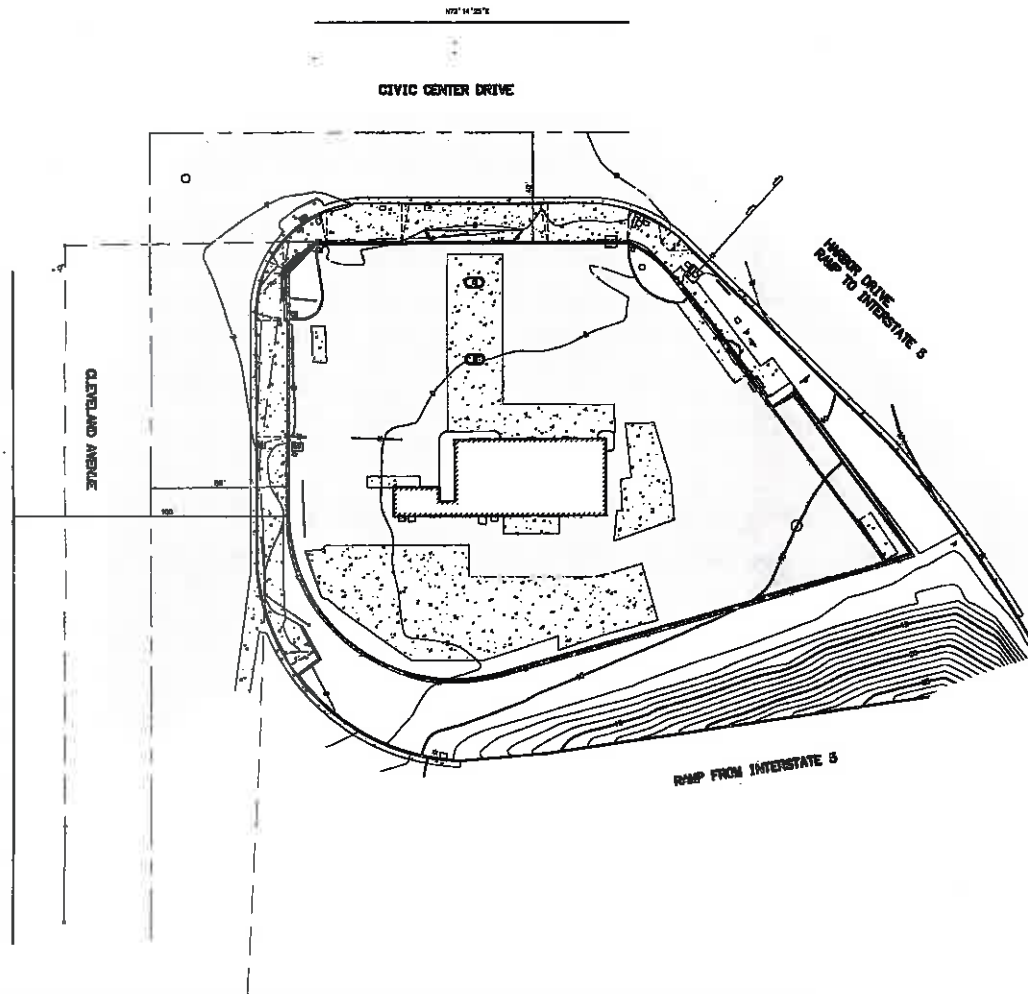
CONVENIENT STORE
724 CWG CENTER DRIVE
NATIONAL, GA. 30117



STASH
THOMAS
ARCHITECTS

| |
|---------------------|
| DATE: 8-20-97 |
| SCALE: 3/4" = 1'-0" |
| DRAWN: STP |
| JOB: H-1 |
| SHEET T-1 |

TOPOGRAPHIC MAP
724 CIVIC CENTER DRIVE
 NATIONAL CITY, CA 91950

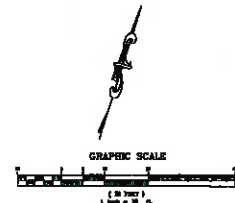


BENCHMARK

THE BENCHMARK FOR THIS SURVEY IS A NATIONAL CITY MANTAL BENCHMARK MONUMENT NO. 2, A 10" DIAMETER PLUMB AND POST OF CEMENT SETTING ON TOP OF CORNER OF CLEVELAND AVENUE AND CIVIC CENTER DRIVE, ADJACENT TO PIV DESCRIPTION.
 ELEVATION = 7.246

NOTES

1. SURVEYOR'S FIELD NO. 889-004-01.
2. LAND DESCRIPTION: ALL THOSE PORTIONS OF LOTS 1 THROUGH 2, 11, 12 AND 13 TRACT 24 OF BLANK MAP, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NUMBER 88-004, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BETWEEN 2, 1983, BEING DESCRIBED IN DOCUMENT NO. 188-004-004, BEING 24, 1984.
3. THE LOCATION OF UNDERGROUND UTILITIES (SEWER, WATER, GAS, ETC.) HAS BEEN DETERMINED FROM A FIELD SURVEY OF SURFACE FEATURES, CONDUCTED TO VERIFY EXISTING LOCATION PRIOR TO CONSTRUCTION.
4. BOUNDARY AREA 6, 889-004-01 (36,442.76 SQUARE FEET).
5. THE PROPERTY LINES, BOUNDARIES AND VOLUMES, BOUNDARIES, ARE ESTABLISHED FROM AVAILABLE RECORD INFORMATION AND ARE SUBJECT TO VERIFICATION BY A COMPLETE FIELD BOUNDARY REINVESTMENT SURVEY.



ACCURATE
LAND SURVEYS
 224 ALPINE BLVD. SUITE 24, ALPINE, CA 91901
 PH: 619-445-0902

Robert J. Penhall, PLS
 ROBERT J. PENHALL, PLS
 DATE



PRELIMINARY GRADING PLAN FOR CONVENIENT STORE NOT FOR CONSTRUCTION

| SUPERVISOR AREA | |
|--------------------------|-----------|
| EXISTING SUPERVISOR AREA | 29,000 SF |
| EXISTING PERVIOUS AREA | 434 SF |
| PROPOSED SUPERVISOR AREA | 10,000 SF |
| PROPOSED PERVIOUS AREA | 6,043 SF |

CONSTRUCTION NOTES:

1. CONSTRUCT CONCRETE DRIVEWAY FOR SIZES 8-28
2. CONSTRUCT 18" X 18" CATCH BASIN
3. CONSTRUCT 18" X 18" CATCH BASIN
4. CONSTRUCT 18" X 18" CATCH BASIN
5. CONSTRUCT 18" X 18" CATCH BASIN
6. CONSTRUCT 18" X 18" CATCH BASIN
7. CONSTRUCT 18" X 18" CATCH BASIN
8. CONSTRUCT 18" X 18" CATCH BASIN
9. CONSTRUCT 18" X 18" CATCH BASIN
10. CONSTRUCT 18" X 18" CATCH BASIN

EARTHWORK DATA

CUT = 100 C.Y. FILL = 100 C.Y.
EXPORT = 0 C.Y.
TOTAL CUT AREA = 25,442 S.F.
TOTAL FILL AREA = 25,442 S.F.

THESE QUANTITIES DO NOT INCLUDE ANY LOSSES DUE TO SHORING, BRUSHING, OVERLAP, OR ANY SPECIAL REQUIREMENTS THAT MAY BE SPECIFIED IN THE PRELIMINARY SOIL REPORT. THESE QUANTITIES ARE FOR PRELIMINARY PURPOSES ONLY. ALL CONTRACTORS BIDDING ON THIS PROJECT SHOULD MAKE THEIR OWN DETERMINATION OF EARTHWORK QUANTITIES PRIOR TO SUBMITTING A BID.

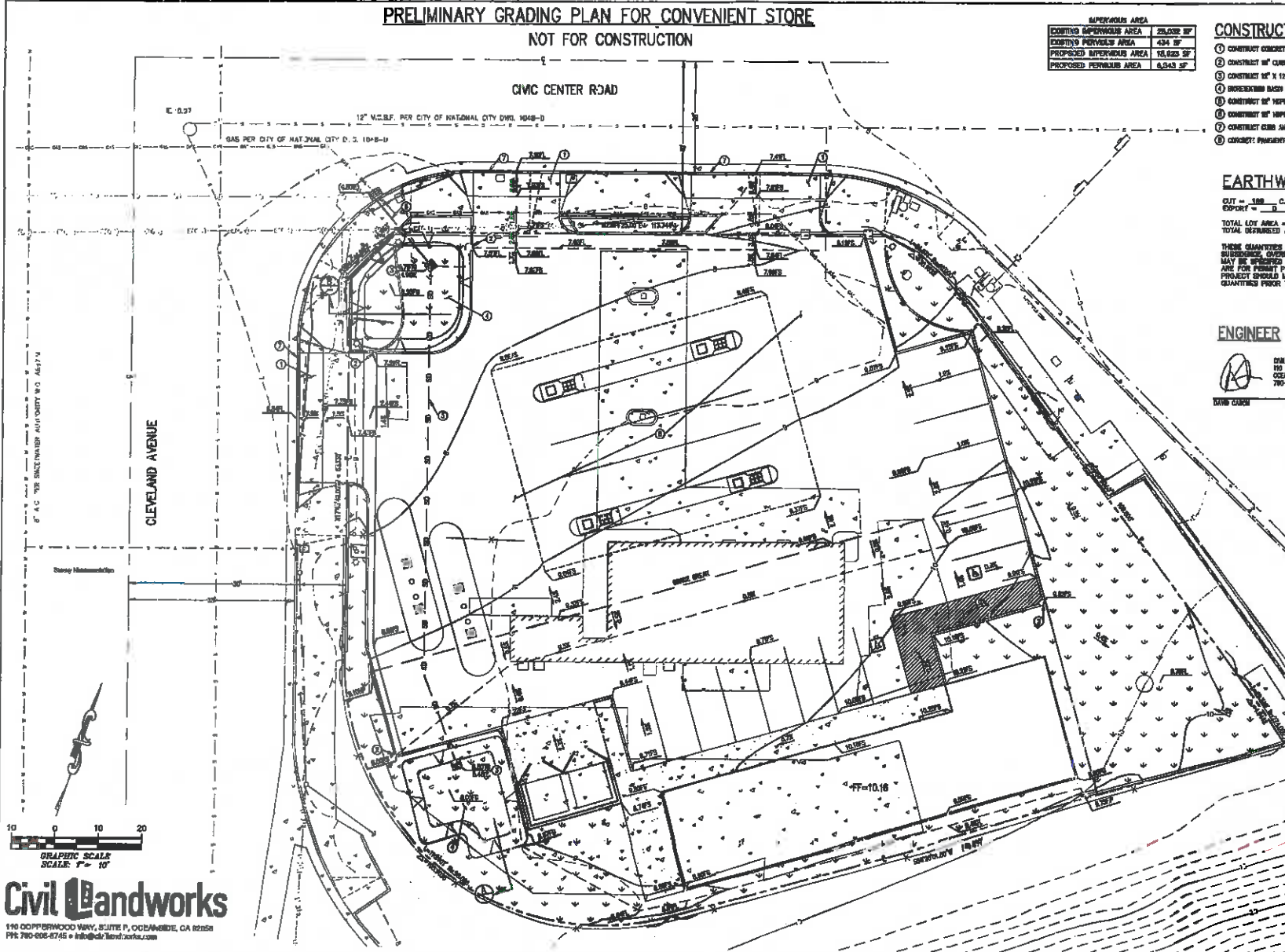
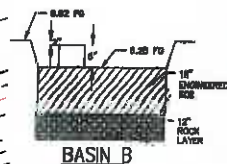
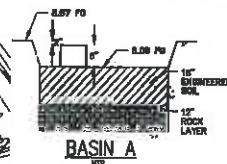
ENGINEER

CIVIL LANDWORKS CORP.
110 COPPERWOOD WAY, SUITE P, OCEAN SPRING, FL 32955
780-508-8745
12-13-17



LEGEND:

- PROPERTY LINE
- RIGHT OF WAY
- EXISTING DRIVEWAY (HATCH)
- EXISTING DRIVEWAY (HATCH)
- PROPOSED DRIVEWAY (HATCH)
- PROPOSED DRIVEWAY (HATCH)
- CUT / FILL BLANK
- WATERLINE
- DIRECTION OF DRAINAGE
- CLIMATE AND DRAINAGE
- PER. STORM DRAIN LINE
- PER. CATCH BASIN



Civil Landworks
110 COPPERWOOD WAY, SUITE P, OCEAN SPRING, FL 32955
PH: 780-508-8745 • info@civil.landworks.com

PRELIMINARY UTILITY PLAN FOR CONVENIENT STORE
NOT FOR CONSTRUCTION

CONSTRUCTION NOTES:

- ① EXTEND EXISTING WATER SERVICE
- ② EXTEND EXISTING SEWER SERVICE

LEGEND:

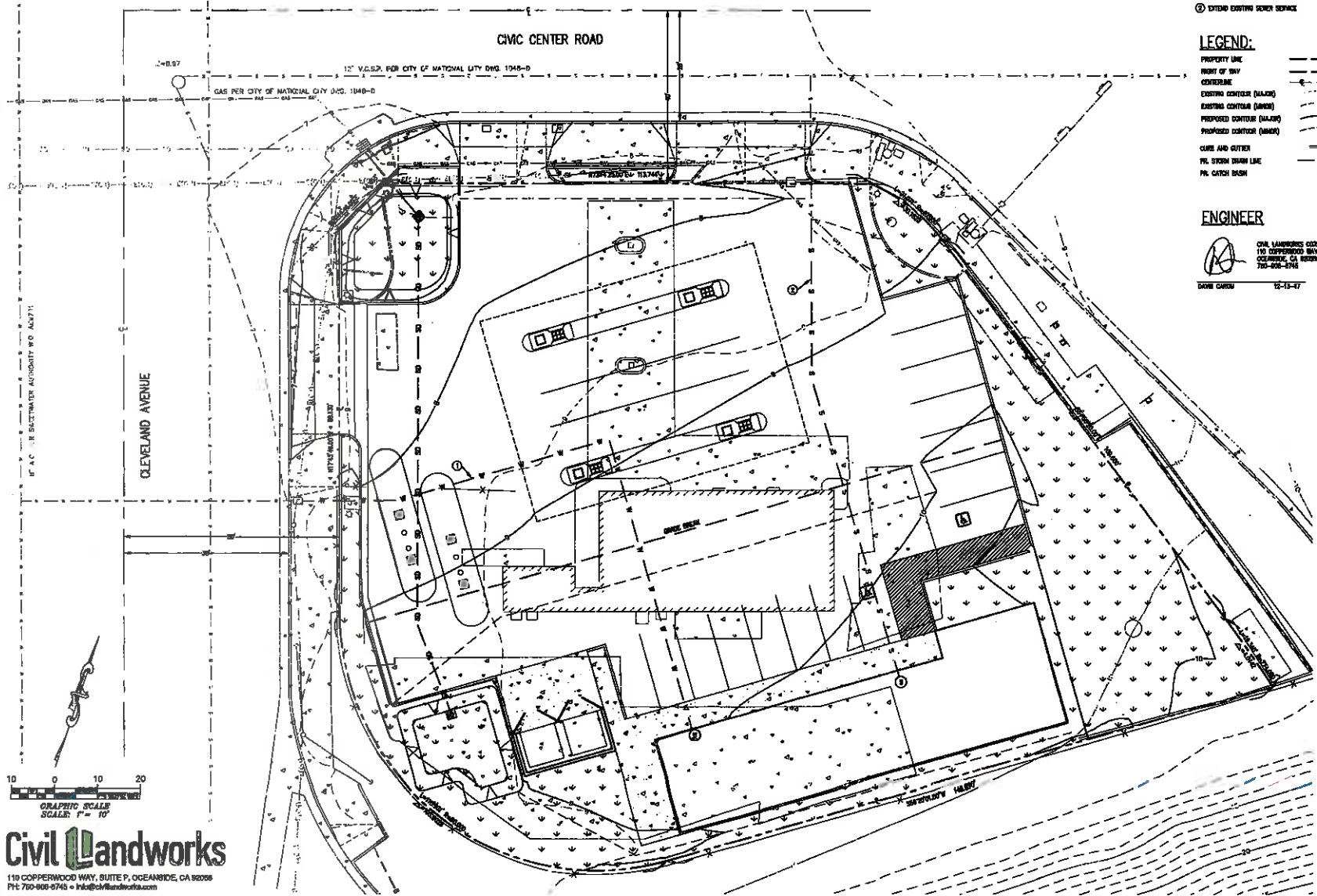
- PROPERTY LINE
- RIGHT OF WAY CENTERLINE
- EXISTING CENTERLINE (MAJOR)
- EXISTING CENTERLINE (MINOR)
- PROPOSED CENTERLINE (MAJOR)
- PROPOSED CENTERLINE (MINOR)
- CURB AND GUTTER
- PUL SYSTEM DRAIN LINE
- PUL CATCH BASIN

ENGINEER

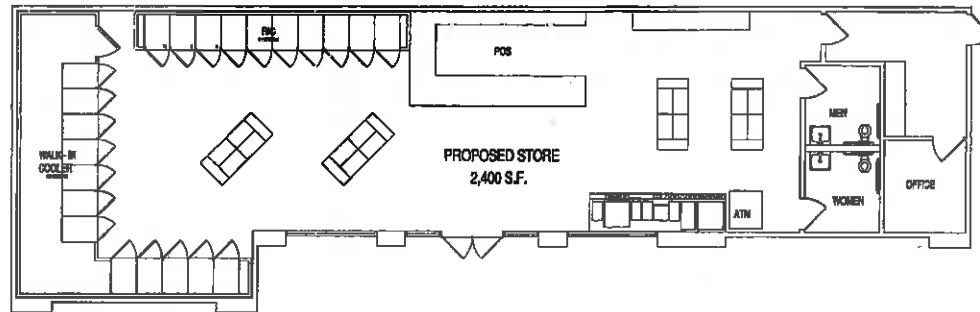


CIVIL LANDWORKS CORP.
110 COPPERWOOD WAY, SUITE P
OCEANSIDE, CA 92058
760-608-0745

DATE: 10-13-17



Civil Landworks
110 COPPERWOOD WAY, SUITE P, OCEANSIDE, CA 92058
TEL: 760-608-0745 • info@civillandworks.com



PROPOSED STORE PLAN
2004-10



PROPOSED ELEVATION
2004-10

ACOUSTICAL NOTES

1. ALL GLAZED GLAZES HAVE A MINIMUM RWD RATING OF 23
2. PROVIDE FRESH AIR INTAKE PER REQUIREMENT

GENERAL NOTES

1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE ORDINANCES.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE ORDINANCES.
3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE CITY ENGINEER.
4. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE CITY ENGINEER.
5. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE CITY ENGINEER.

KEYNOTES

1. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE ORDINANCES.
2. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND ALL APPLICABLE ORDINANCES.
3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE CITY ENGINEER.
4. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE CITY ENGINEER.
5. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE CITY ENGINEER.

LEGEND

1. 1/2" = 1'-0"
2. 1/4" = 1'-0"
3. 1/8" = 1'-0"
4. 1/16" = 1'-0"

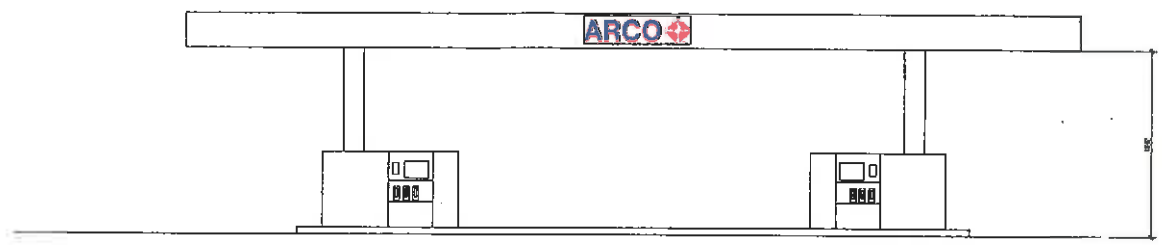
| DATE | REVISION | BY | CHKD |
|---------|----------|--------|--------|
| 2004-10 | 1 | THOMAS | THOMAS |
| 2004-10 | 2 | THOMAS | THOMAS |
| 2004-10 | 3 | THOMAS | THOMAS |

CONVENIENT STORE
7847 CENTER DRIVE
NATIONAL, CA 94557



STASH
THOMAS
ARCHITECTS

DATE: 10/04/04
SCALE: 1/4" = 1'-0"
DRAWN: TH
JOB: 04-001
SHEET: A1.1



CANOPY ELEVATION
1/2" = 1'

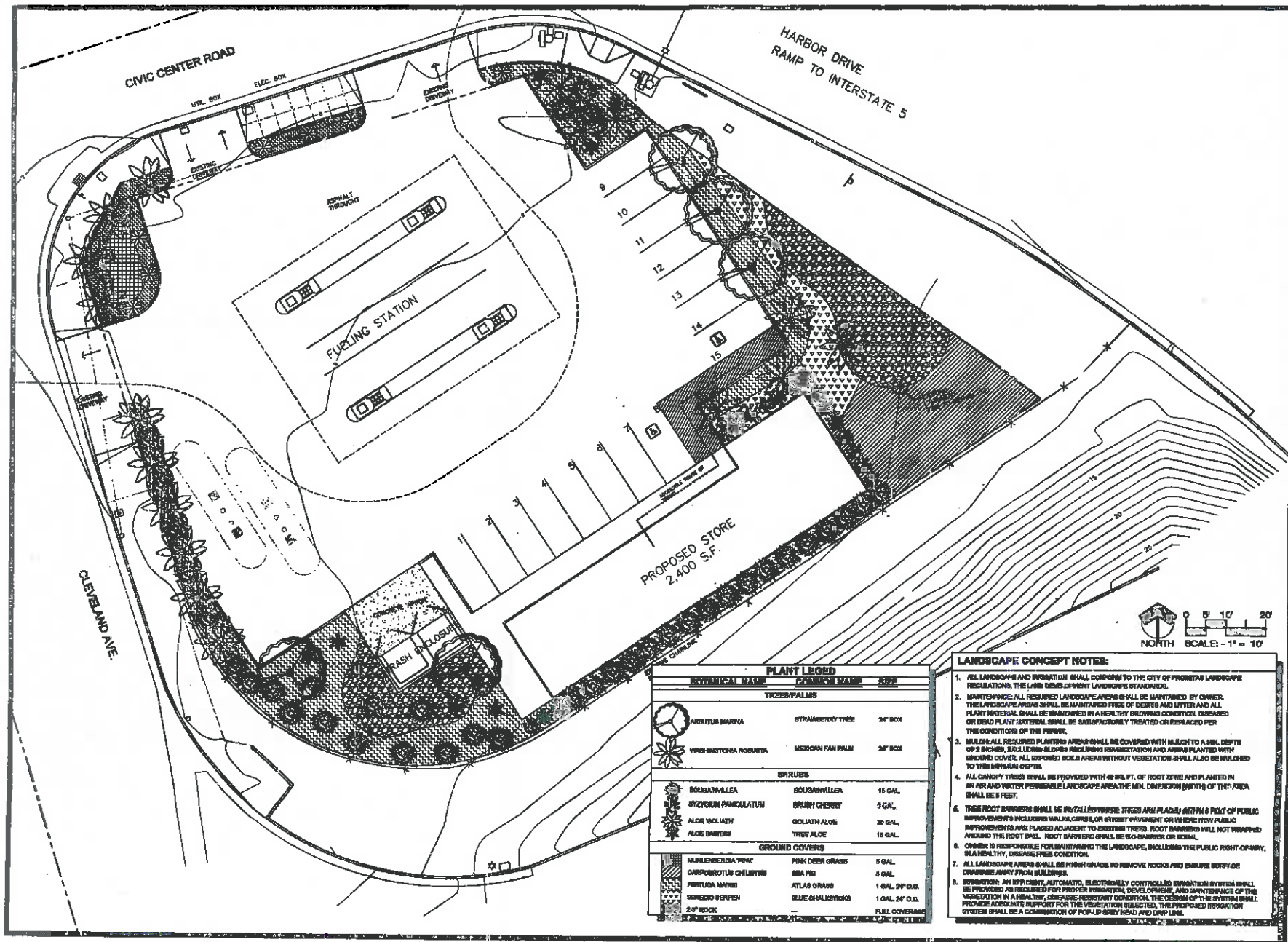
| DATE | DESCRIPTION | ISSUE | THOMAS | THOMAS | THOMAS |
|------|-------------|-------|--------|--------|--------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

CONVENIENT STORE
724 CIVIC CENTER DRIVE
NATIONAL CA 92117



DATE: 01/27
SCALE: 1/2" = 1'
DRAWN: SP
JOB: CS
SHEET

A1.2



LANDSCAPE CONCEPT PLAN

CONVENIENCE STORE
CIVIC CENTER ROAD
NATIONAL CITY, CA 91960

PROJECT:

DATE:

BY:

SCALE:

DATE:

BY:

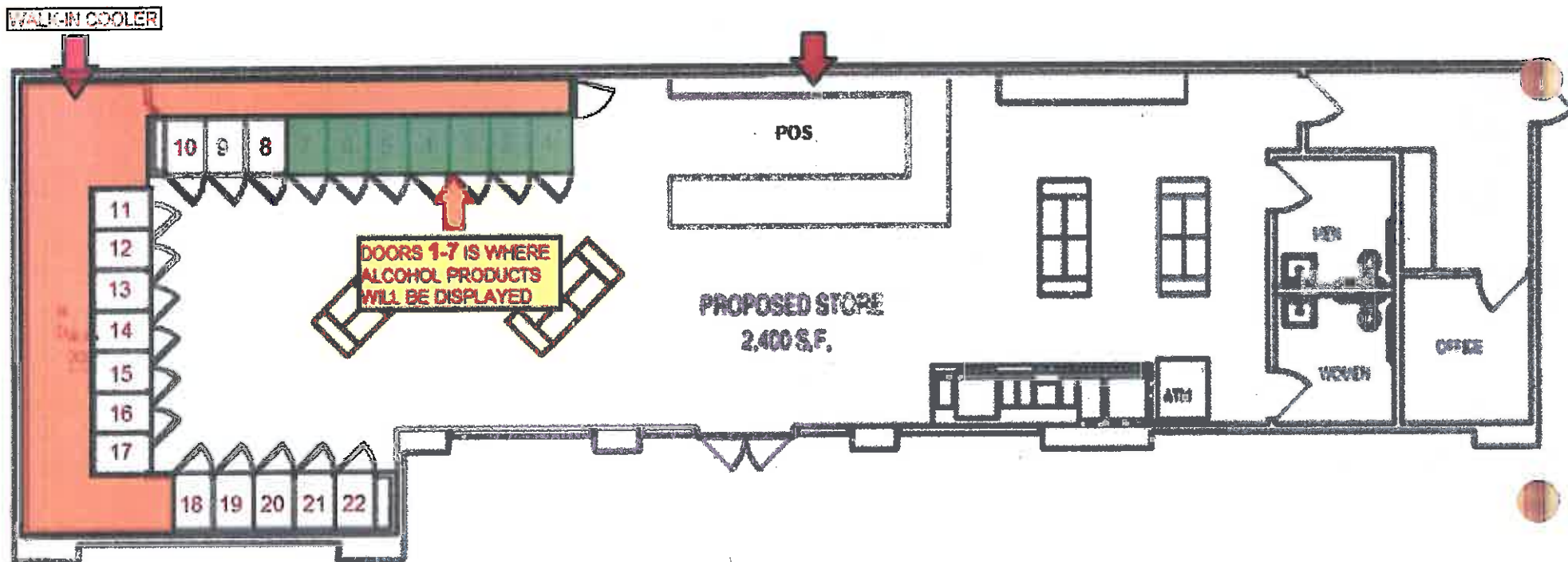


EXHIBIT: B
CASE FILE NO.: 2017-03 CUP, CDP
DATE: 2/27/2018

MARTIN SAMO
P.O. Bo 21041
EL CAJON, CA 92021

You are invited to attend a:

COMMUNITY MEETING

Date: FRIDAY, JANUARY 26, 2018

Time: 3:30PM TO 4:30PM

ADDRESS: 724 Civic Center Drive National City, CA 91950

This meeting is to inform citizens of a use permit application that has been filed for the service of beer and wine at a new **Gas Station/Convenient Store** that when opened it may be called **7-eleven, Arco, Circle K, Chevron or Shell**. We are looking forward to meeting you and discussing any concerns or questions you may have regarding this proposed Gas Station/Convenient Store operations. If you can't attend the meeting, or if you have any questions before then, please feel free to contact Martin Samo, the Applicant's representative at (619) 654-3828 or via email at martysamo@gmail.com

This notice is being sent to you in fulfillment of the City of National City requirements. This outreach effort to our neighbors is necessary because an application for development or use has been filed with the City of National City Planning Department.

Civic Center proposed Gas Station/Convenient Store operations Community Meeting

When: 1/26/2018, 03:30-04:30 pm.

Where: 724 Civic Center Dr. National City CA 91950.

Meeting was coordinated and managed by Martin Samo (the Applicant's representative).

1. Meeting held at the aforementioned date and time as scheduled on the community meeting notice mailed to surrounding occupants.
2. During the meeting time, three community members showed up, and discussed the results of developing the current status of the site into a new gas station/C store.
3. First person showed up was an occupant in *1305 Harding Ave, National City CA 91950*, this gentleman mentioned that the only concern he has is the additional traffic this proposed project will create, he was informed that there is a professional traffic engineer that is working on this matter along with the City's traffic engineer, the forecasted impact is within the acceptable range.
4. Second community member showed up was an occupant in *1315 Harding Ave National City CA 91950*, this lady mentioned that there existence of a gas station in the area, and she will prefer to have a children park, we explained how the location and traffic will make it hard to have a children park in that location.
5. The third and last community member showed up to the meeting was Mr. Paul, an occupant at *1593 McKinley Ave National City CA 91950*, he asked what the developer wants to do, also he expressed that he doesn't want to have "pan handlers" to be around since they were highly observed when the recycling center was operating in the area, Mr. Paul stated that he lived in the area since the Sixties and he is happy to have this site redeveloped and a new gas station/C store will be built.
6. 04:35 pm meeting over and the Applicant's representative left the property.

Martin Reeder

From: jacques le friant <jacqueslefriant@msn.com>
Sent: Thursday, October 12, 2017 10:02 AM
To: Martin Reeder
Subject: case file no 2017-03 cup/Gas Station

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Sir

i have reservations that the traffic situation which is already bad will be made much worse at this location at certain times. i think that this should be part of the process to address this. i am sure you consider this but should i go to this upcoming hearing to comment if this needs to be addressed later.

Best Regards

jacques le friant
705 Civic Center Dr
1212 Mc Kinley Ave
619 477 7390



National City Chamber of Commerce
901 National City Blvd.

National City, CA, 91950

Business: (619) 477-9339

Fax: (619) 477-5018

Email: thechamber@nationalcitychamber.org

Website: www.nationalcitychamber.org

Martin Reeder
Assistant Planner
City of National City

December 7, 2017

Hello Mr. Reeder,

I recently visited one of our Chamber members and in the conversation, he asked me to deliver the attached CD to the City.

If I understand correctly, it is the video of intense traffic in an area near the business located at 402 Civic Center Drive, close to Wilson Street and the I-5. The owner of the Cozine's Market Liquor and Deli mentioned that a new gas station at or near that crossing would create a big traffic problem and that is why he is sending the City this video.

I hope this is of use to you.

Regards,

David Grepe
Project Coordinator
National City Chamber of Commerce
901 National City Boulevard
National City, CA 91950
P: 619-477-9339
F: 619-477-5018
www.nationalcitychamber.org



NATIONAL CITY POLICE DEPARTMENT
ALCOHOL BEVERAGE CONTROL
RISK ASSESSMENT

DATE: 03/07/2017

BUSINESS NAME: 7-Eleven

ADDRESS: 724 Civic Center Drive, National City, CA 91950

OWNER NAME: Amad Yelda Attisha

DOB: 11/08/1969

OWNER ADDRESS: 1741 Sea Pines Road, El Cajon, CA 92019

(add additional owners on page 2)

I. Type of Business

- Restaurant (1 pt)
- ☒ Market (2 pts)
- Bar/Night Club (3 pts)
- Tasting Room (1pt)

II. Hours of Operation

- Daytime hours (1 pt)
- Close by 11pm (2 pts)
- ☒ Close after 11pm (3 pts)

III. Entertainment

- Music (1 pt)
- Live Music (2 pts)
- Dancing/Live Music (3 pts)
- ☒ No Entertainment (0 pts)

IV. Crime Rate

- Low (1 pt)
- Medium (2 pts)
- ☒ High (3 pts)

V. Alcohol Businesses per Census Tract

- Below (1 pt)
- Average (2 pts)
- ☒ Above (3 pts)

Notes:

Alcohol Businesses per Census

Tract / Over saturation.

Crime Rate High for Beat 24

VI. Calls for Service at Location (for previous 6 months)

- ✓ Below (1 pt)
- Average (2 pts)
- Above (3 pts)

VII. Proximity Assessment (1/4 mile radius of location)

- ✓ Mostly commercial businesses (1 pt)
- Some businesses, some residential (2 pts)
- Mostly residential (3 pts)

Low Risk (12pts or less)
Medium Risk (13 – 18pts)
High Risk (19 – 24pts)

Total Points 13

VIII. Owner(s) records check

- ✓ No criminal incidents (0 pts)
- Minor criminal incidents (2 pts)
- Multiple/Major criminal incidents (3 pts)

OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

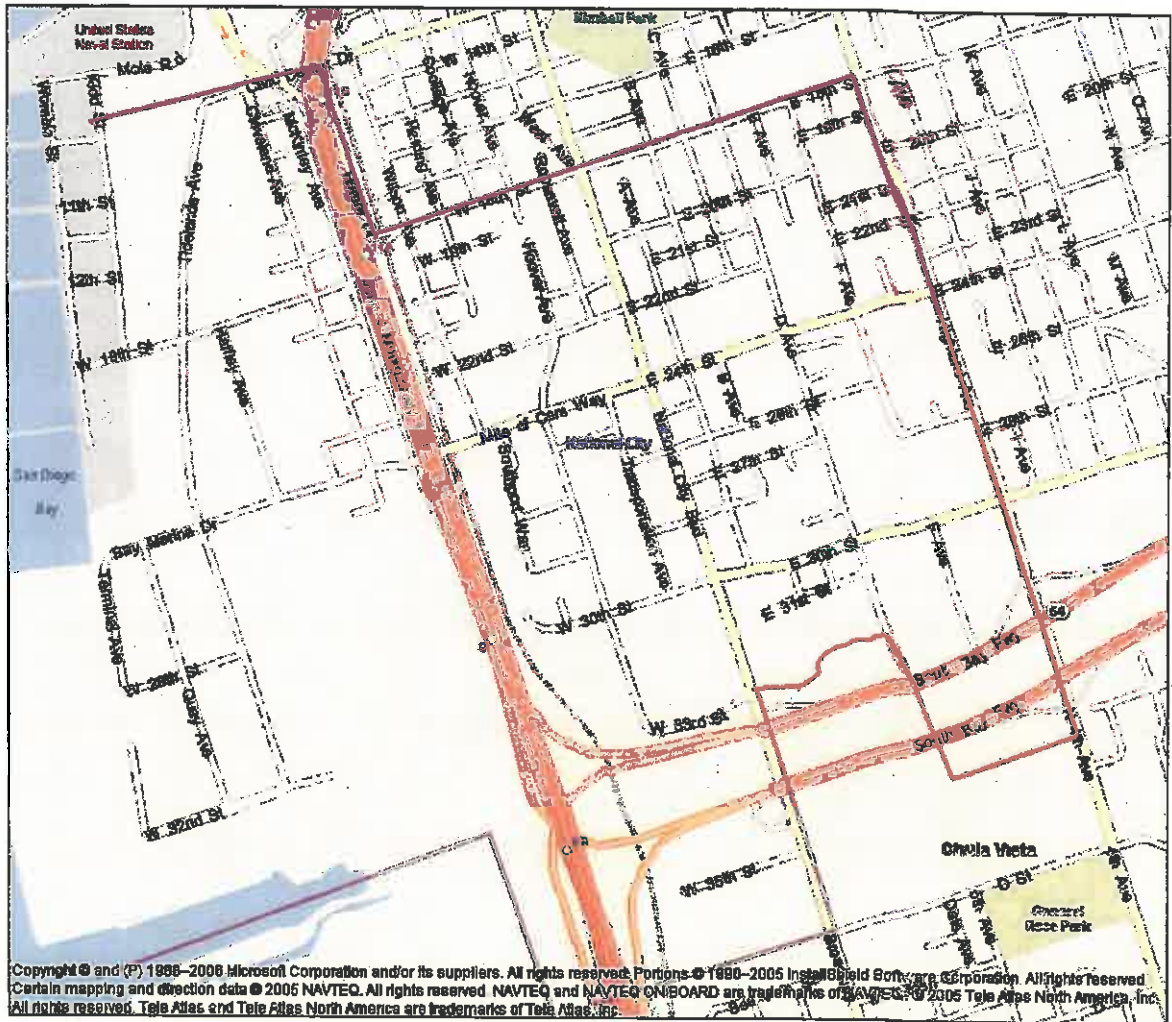
OWNER NAME: _____ DOB: _____

OWNER ADDRESS: _____

Recommendation:

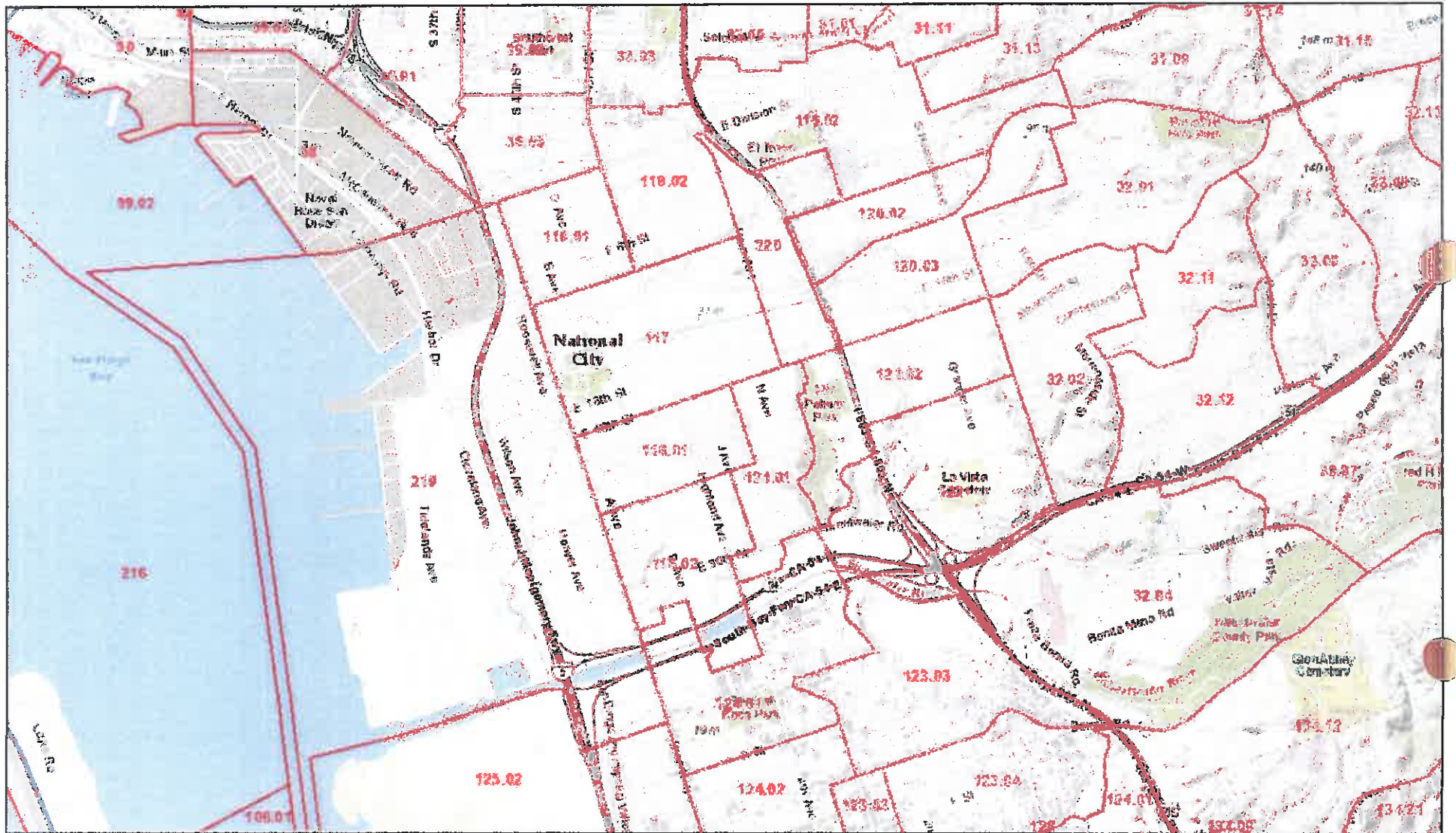
Completed by: Shephard

Badge ID: 402



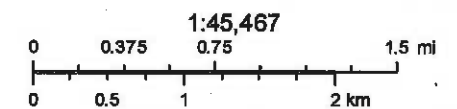
City of National City Beat 24

Source: Microsoft Mappoint
NCPD CAU, 4/18/07



August 25, 2014

CensusTracts 2010



Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



CITY OF NATIONAL CITY - PLANNING DEPARTMENT
1243 NATIONAL CITY BLVD., NATIONAL CITY, CA 91950

NOTICE OF EXEMPTION

TO: Assessor/Recorder/County Clerk
Attn: Fish & Wildlife Notices
1600 Pacific Highway, Room 260
San Diego, CA 92101
MS: A-33

Project Title: 2017-03 CUP, CDP

Project Location: 724 Civic Center Drive, National City, CA 91950

Lead Agency: City of National City

Contact Person: Martin Reeder

Telephone Number: (619) 336-4313

Description of Nature, Purpose and Beneficiaries of Project:

Conditional Use Permit and Coastal Development Permit for a gas station and 2,400 square-foot convenience store at a site previously developed with a gasoline service station.

Applicant Name and Address:

Stosh Podeswik
4682 Nebo drive
La Mesa, CA 91941

Telephone Number:

(619) 246-9044

Email Address:

stosh@stoshthomas.com

Exempt Status:

☒ **Categorical Exemption. Class 32, Section 15332 (In-Fill Development Projects)**

Reasons why project is exempt:

There is no possibility that the proposed use will have a significant impact on the environment since construction of the gas station and convenience store will replace an existing gas service station. In addition a Traffic Impact Analysis prepared for the proposal found that there would be no calculated traffic impacts; therefore, mitigation measures are not required.

Date:

MARTIN REEDER, AICP
Principal Planner

ATTACHMENT 7

RESOLUTION NO. 2018-03 (a)

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF NATIONAL CITY, CALIFORNIA, APPROVING A
CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT
FOR A GAS STATION AND CONVENIENCE STORE TO BE LOCATED AT
724 CIVIC CENTER DRIVE IN THE COASTAL ZONE.

APPLICANT: STOSH PODESWIK.

CASE FILE NO. 2017-03 CUP, CDP

APN: 559-024-06

WHEREAS, the Planning Commission of the City of National City considered a Conditional Use Permit and Coastal Development Permit for a gas station and convenience store to be located at 724 Civic Center Drive in the Coastal Zone at duly advertised public hearings held on October 16, 2017 and March 5, 2018, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2017-03 CUP, CDP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California that the testimony and evidence presented to the Planning Commission at public hearings held on October 16, 2017 and March 5, 2018 support the following findings:

1. That the site for the proposed use is adequate in size and shape, because the 25,466 square-foot property is in excess of the 15,000 square feet required by Section 18.98 of the [previous] Municipal Code. Additionally, all buildings and parking spaces can be installed to meet all setback and site design requirements.
2. That the site has sufficient access, because the site has direct access to Harbor Drive, an arterial street; Civic Center Drive, a collector street; and Interstate 5, a freeway, which can accommodate the additional 1,280 ADT that would be generated by the project. The TIA submitted with this application has shown that the existing street network can function at an LOS of D or better without the need for mitigation.
3. That the proposed use will not have an adverse effect upon adjacent or abutting properties, because the project is a use consistent with the Medium Manufacturing (MM) zone description in the General Plan and will be subject to conditions of approval that ensure safe operation of the business

4. That the proposed use is deemed essential and desirable to the public convenience, because the project will provide a service in need for local and regional drivers requiring automobile refueling and associated services. The use is consistent with the MM zone description, which is intended for uses in areas in which activities involve some degree of noise, vibration, air pollution, radiation, glare phenomena, and/or fire and explosive hazards.
5. That the granting of this Conditional Use Permit is consistent with and implements the Certified Local Coastal Program, because the project is located within an area generally exempt from a Coastal Development Permit; involves a service use, which is conditionally allowed in the MM-CZ zone; and will not prohibit coastal access or obstruct views.
6. That the proposed project has been reviewed in compliance with the California Environmental Quality Act, because it has been determined that the proposed use qualifies for a categorical exemption from CEQA under Class 32, Section 15332 (In-Fill Development Projects).
7. That the proposed use is deemed essential and desirable to the public convenience and necessity, because beer and wine sales will contribute to the viability of the gas station convenience store, an allowed use in the MM zone. Alcohol sales would add to the convenience of the consumer, in that customers would be able to purchase alcohol at the same outlet that they are purchasing other products and not needing to visit multiple locations for their needs.
8. That based on findings 1 through 7 above, public convenience and necessity will be served by a proposed use of the property for the retail sales of alcoholic beverages pursuant to law.

BE IT FURTHER RESOLVED that the application for Conditional Use Permit and Coastal Development Permit is approved subject to the following conditions:

General

1. This Conditional Use Permit and Coastal Development Permit authorize a gas station with a convenience store, including the sale of beer and wine. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibits A and B, Case File No. 2017-03 CUP, CDP, dated 1/27/2018 and 2/27/2018.
2. Within four (4) days of approval, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be

made payable to the County Clerk and submitted to the National City Planning Department.

3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in the Land Use Code.
4. Before this *Conditional Use Permit and Coastal Development Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit and Coastal Development Permit.** The applicant shall also submit evidence to the satisfaction of the City Manager or designee that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the *Conditional Use Permit and Coastal Development Permit* are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or designee prior to recordation.

Building

5. Plans submitted for demolition or construction improvements must comply with the 2016 editions of the California Building, Electrical, Plumbing, Mechanical, and Fire Codes.

Engineering

6. A Hydrology study (100 year flood) is required for the new project. The study should consider the proposed project area to the closest municipal storm drain collection point. The study should consider the adequacy of the existing storm drain system to convey any additional run off. All Hydrology study findings and recommendations are part of Engineering Department requirements.
7. The Priority Project Applicability checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Department. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
8. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge

Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.

9. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
10. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall be remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.
11. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
12. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.
13. All existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
14. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be 6-inch in size with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.
15. Separate street and sewer plans, prepared by a Registered Civil Engineer, shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.

16. A soils engineering report shall be submitted for the Engineering Department's review, after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. As a minimum, the parking lot pavement sections shall be 2 inch A.C. over 4 inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
17. The deteriorated portions of the existing street improvements along the property frontages shall be removed and replaced. Specifically all sidewalk and curb and gutter. Sidewalk shall be in accordance with San Diego Regional Standard Drawings (SDRSD) G-7, G-9, G-10 and G-11 curb and gutter shall be 8" and be in accordance with National City Modified SDRSD G-2.
18. The existing pedestrian ramp(s) at the following locations(s) shall be removed and replaced with standard ramp complying with the ADA requirements and the SDRSD G-29 (Type C) located on the southeasterly corner of Civic Center Drive and Cleveland Avenue.
19. All existing survey monuments, including any benchmark, within the boundaries of the project shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
20. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way, and any grading construction on private property.
21. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
22. A title report shall be submitted to the Engineering Department, after the Planning Commission approval, for review of all existing easements and the ownership at the property.
23. NO PARKING zone(s) (red curbing) shall be provided and/or replaced after new curb has been installed.
24. The existing non-operational abandoned pay telephone on Civic Center Drive adjacent to the westerly driveway shall be removed.
25. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection

services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.

26. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.
27. The owner/developer shall submit plans to Cal Trans for their review to ensure that any conflicts with State Right of Ways and Facilities are addressed.

Fire

28. Plans submitted for improvements must comply with the current editions of the California Fire Code (CFC), National Fire Protection Association (NFPA), and California Code of Regulations (CCR).
29. Fire apparatus access roads shall comply with the requirements of Section 5 CFC 2013 and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
30. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all-weather road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. A 28 foot turning radius is required for Fire Department access through site. All Fire Department access roads shall be painted and signed to prevent parking in these required designated emergency areas
31. Grade of fire apparatus road shall be within the limits established (15% grade) by the fire code official based on fire department's apparatus.
32. The vapor recovery unit (Healy Tank) shall comply with Chapter 23 section 2306.7.9.1 – 2306.7.9.2.4 of the California Fire Code. Additionally, lot lines and proximity to surrounding properties where Healy Tanks are proposed, shall meet CFC, NFPA and all City Department requirements. Please contact the National City Fire Department on required protective enclosure for vapor tank.
33. Underground fuel tank removal and replacement will require permit and inspections from the National City Fire Department.
34. Emergency service access to the trash enclosure shall be maintained at all times for the life of project.
35. Exit signs shall be provided at all required exits. Exit signs shall be green in color per the National City Municipal Code.

36. All fire sprinkler and fire alarm plans shall be submitted directly to the National City Fire Department.
37. Soft drink CO2 dispensing systems require a permit and inspection per the California Fire Code Chapter 53 section 5307 – *Systems used in beverage dispensing applications*.
38. A 48-hour notice is required for all inspection provided by the National City Fire Department.

Planning

39. Plans submitted for construction shall include accommodation for bicycle access along the east property line adjacent to the Interstate 5 southbound on-ramp. In lieu of actual improvements, areas within 20 feet of the curb on the east property line shall be set aside until such time as the Bayshore Bikeway is constructed. This area should be landscaped in the interim period. In the event the bikeway does not require any future easement on the subject property, the area set aside may be converted to parking area subject to Condition Number 41.
40. At minimum, one bicycle parking space shall be installed on the property. Additional spaces to accommodate future bicycle traffic should also be included.
41. All parking spaces must meet minimum dimensions as stated in the Land Use Code. Standard parking spaces shall be a minimum dimension of nine feet wide by 18 feet deep. Up to 25% of required parking spaces may be compact in size (eight feet by 16 feet). Excess parking spaces may be located within the future Bayshore Bikeway set-aside area, but shall be removed at such time as the bikeway is constructed.
42. A landscape and underground irrigation plan shall be submitted as part of the construction permitting process. All landscaping and irrigation improvements shall be maintained for the life of the project.
43. Business operations shall comply with Municipal Code Title 12 (Noise) at all times.
44. Plans submitted for construction shall conform to Land Use Code Section 18.42.040 (Screening mechanical equipment and elevator housing) and 18.46 (Outdoor Lighting), and 18.98 (Service Stations).
45. Plans submitted for construction permits shall show that a cover for all trash enclosures be provided.
46. The project will be required to obtain an operation permit from the San Diego County Air Pollution Control District (APCD), which will be subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) and Air Toxic Control Measures (ATCM).
47. Violation of APCD licensing/permitting or any other state licensing department shall be a violation of this Conditional Use Permit and Coastal Development Permit.

48. Any planned exterior propane tank shall be screened in compliance with Land Use Code Section 18.42.040.
49. All proposed business signage shall be in conformance with Land Use Code requirements.
50. The display of alcoholic beverages shall be limited to an area in substantial conformance with Exhibit B, Case File No. 2017-03 CUP, CDP, dated 2/27/2018.
51. The sale of alcoholic beverages for on-site consumption shall be limited to between the hours of 8:00 a.m. and 12:00 a.m. seven days a week.
52. Coolers containing alcohol products shall be locked and made inaccessible to the public between the hours of 12:00 a.m. and 8:00 a.m.
53. The sale of beer or malt beverages in quantities of quarts, 22-ounce, 32-ounce, 40-ounce, or similar size containers is prohibited.
54. No beer products shall be sold of less than manufacturer's pre-packaged three-pack quantities of 24 ounce cans per sale. There shall be no sale of single cans or bottles.
55. No sale of wine or distilled spirits shall be sold in containers of less than 750 milliliters. The sale of wine with an alcoholic content greater than 15% by volume is prohibited.
56. Flavored malt beverages, also known as premium malt beverages and flavored malt coolers, and sometimes commonly referred to as wine coolers, may be sold only by four-pack or other manufacturer's prepackaged multi-unit quantities.
57. The consumption of alcoholic beverages is prohibited on the subject premises, and on all parking lots and outbuildings and any property or adjacent property under the control of the applicant.
58. All cups and containers shall be sold at or above prevailing prices and in their original multi-container packages of no fewer than 12, and no cups and containers shall be given free of charge.
59. Ice may be sold only at or about prevailing prices in the area and in quantities of not less than three pounds per sale. Ice shall not be provided free of charge.
60. Permittee shall post signs on the exterior building walls in compliance with Chapter 10.30.070 of the National City Municipal Code. Additionally, the permittee shall post signs, to be approved by the Planning Department, at each entrance to the applicant's premises and parking lot, prohibiting loitering and consumption of alcohol on the premises and adjacent property under his control. Said signs shall not be less than 17 by 22 inches in size, with lettering not less than one inch in height. The signs shall read as follows:
 - a. "No open alcoholic beverage containers are allowed on these premises."
 - b. "No loitering is allowed."

61. Containers of distilled spirits may not be stored on the premises, after being sold to patrons, for the purpose of later consumption.
62. Exterior advertising and signs of all types, promoting or indicating the availability of alcoholic beverages, including advertising/signs directed to the exterior from within, are prohibited. Interior displays of alcoholic beverages and signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
63. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of all other commodities during the same period. The applicant shall at all times keep records which reflect separately the gross sales of alcoholic beverages and the gross sales of all other items. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the City Finance Department and any Peace Officer of the California Department of Alcoholic Beverage Control upon demand.
64. All sellers and servers of alcohol shall receive Responsible Beverage Service and Sales (RBSS) training, including all owners, and managers. The RBSS training must be certified by the Department of Alcoholic Beverage Control (ABC). Proof of completion of an approved RBSS program must be provided prior to issuance of a City business license. As part of the RBSS training, the permittee shall make available a domestic violence training session as provided by the Institute of Public Strategies.

Sweetwater Authority

65. The property owner must submit a letter to the Authority from the appropriate fire agency stating fire flow requirements. Based on this requirement, new water systems or substantial alteration to the existing water system may be needed.
66. An approved backflow prevention assembly is required for water services serving all commercial developments. Water facilities shall be designed and installed in accordance with the current Sweetwater Authority Design Standards and the Standard Specifications for Construction of Water Facilities.
67. Once a building permit is obtained by the Owner, the Owner shall submit approved stamped plans from the lead agency where the project is located. The approved submittal must include a site plan, floor plan, plumbing plan showing total fixture count, including daily water demands for domestic and irrigation use in gallons per day, and a fire sprinkler plan (if applicable) so that water facilities can be verified.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 5, 2018, by the following vote:

AYES: Yamane, Sendt, Garcia, Flores, Dela Paz, Quintero

NAYS: None.

ABSENT: Baca

ABSTAIN: None


CHAIRPERSON



**CITY OF NATIONAL CITY
Office of the City Clerk**

1243 National City Blvd., National City, California 91950
619-336-4228 phone / 619-336-4229 fax

Michael R. Dalla, CMC - City Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of National City will hold a Public Hearing after the hour of 6:00 p.m., **Tuesday, April 17, 2018**, in the City Council Chambers, Civic Center, 1243 National City Blvd., National City, CA., to consider:

**CONDITIONAL USE PERMIT AND
COASTAL DEVELOPMENT PERMIT
FOR A GAS STATION AND CONVENIENCE STORE
TO BE LOCATED AT 724 CIVIC CENTER DRIVE
IN THE COASTAL ZONE.**

The Planning Commission conducted a public hearing at their meeting of March 5, 2018 and voted to recommend approval of the Conditional Use Permit and Coastal Development Permit by a vote of 6 to 0 with one member absent.

Anyone interested in this matter may appear at the above time and place and be heard.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the undersigned, or to the City Council of the City of National City at, or prior to, the Public Hearing.

March 22, 2018

Michael R. Dalla, CMC
City Clerk

ATTACHMENT 9

The following page(s) contain the backup material for Agenda Item: Public Hearing and Resolution of the City Council of the City of National City approving or denying a Zone Variance to waive the minimum street wall requirement for a multi-family development located at 1628 Orange Street. (Applicant: Keith Robinson) (Cas

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: | April 17, 2018 |

AGENDA ITEM NO. |

ITEM TITLE:

Public Hearing and Resolution of the City Council of the City of National City approving or denying a Zone Variance to waive the minimum street wall requirement for a multi-family development located at 1628 Orange Street. (Applicant: Keith Robinson) (Case File 2017-27 Z)

PREPARED BY: | Martin Reeder, AICP |



DEPARTMENT: | Planning |

PHONE: | (619) 336-4313 |

APPROVED BY: 

EXPLANATION:

The applicant wishes to develop a multi-family development consisting of four buildings with 40 bedrooms. Because the property is accessed via a 30-foot wide road easement, the project cannot provide the 75% street wall required in the MXC-1 zone (at least 75% of the building's front wall needs to be built within 10 feet of the property line). The applicant has applied for a Zone Variance to waive this minimum requirement. The use is allowed by right, only the street wall is the subject of this application

Planning Commission conducted a public hearing on March 5, 2018 and voted 4-2 to recommend approval of the Zone Variance based on attached findings and Conditions of Approval.

City Council considered a Notice of Decision of the Planning Commission's approval of the CUP at their meeting of March 20, 2018, and after hearing public comment, voted to set the item for public hearing.

The attached Planning Commission staff report describes the proposal in detail. |

FINANCIAL STATEMENT:

ACCOUNT NO. |

APPROVED: _____ **Finance**

APPROVED: _____ **MIS**

ENVIRONMENTAL REVIEW:

Categorical Exemption – Class 32, Section 15332 (In-Fill Development Projects)

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

[Staff recommends approval of the Zone Variance.]

BOARD / COMMISSION RECOMMENDATION:

[The Planning Commission recommended approval of the Zone Variance.

Ayes: Yamane, Sendt, Garcia, Quintero

Noes: Flores, Dela Paz

Absent: Baca]

ATTACHMENTS:

- | | |
|--------------------------------------|---|
| 1. Overhead | 5. CEQA Notice of Exemption |
| 2. Background Report | 6. Planning Commission Resolution 2018-04 (a) |
| 3. Recommended Findings & Conditions | 7. Public Hearing Notice |
| 4. Reduced Plans | 8. Resolutions |

2017-27 Z – 1628 Orange Street – Overhead



ATTACHMENT 1

BACKGROUND REPORT

Staff Recommendation

Staff recommends approval of the proposed multi-family development in the MXC-1 zone. The property lacks useable street frontage, making it impossible for any project proposed for this site to meet the development requirement of a 75% minimum street wall. Denial of the Zone Variance would assure that the site will continue to remain undeveloped. The proposal is consistent with all required findings of approval and would be consistent with all other regulations.

Executive Summary

The applicant wishes to develop a multi-family development consisting of four buildings and 40 bedrooms. Because the property is accessed via a 30-foot wide road easement, the project cannot provide the 75% street wall required in the MXC-1 zone (at least 75% of the building's front wall needs to be built within 10 feet of the property line). The applicant has applied for a Zone Variance to waive this minimum requirement. The use (multi-unit residential) is allowed by right, only the street wall is the subject of this application

Site Characteristics

The 21,700 square-foot lot is located on the west side of Orange Street and south of East 16th Street on a cul-de-sac in the MXC-1 (Minor Mixed-Use Corridor) zone. The property is 108.50 feet wide and 200 feet deep. The property is accessed via an easement from Orange Street that is considered a public street. The easement is 30 feet in width and has the appearance of a driveway. The subject lot is currently undeveloped.

Proposed Use

The applicant is proposing to construct four multi-family dwelling units of approximately 4,500 to 5,000 square feet each. Each dwelling would include a common area consisting of a kitchen, dining, and recreational area, as well as 10 bedrooms. Each bedroom has a closet and bathroom and measures approximately 200 to 250 square feet in size. The units also include storage, parking, outdoor patios, and roof decks. The site plan shows 37 on-site parking spaces (24 covered and 13 uncovered) and 3,992 square feet of open space.

Analysis

The Land Use Code (LUC) requires development in the MXC-1 Zone to have a minimum street wall of 75%. The intent of this requirement is to ensure that a project in a mixed-use zone is pedestrian-friendly and inviting to passersby. Because the lot only

ATTACHMENT 2

has street frontage on an easement, it is not possible for a project proposed at this site to comply with this requirement. Enforcing the 75% requirement would leave a driveway that would not meet the minimum single-vehicle driveway width of 12 feet. A Fire Department-compliant driveway of 20 feet is required in this case. The only way for a project to proceed is if the street wall requirement is waived.

Findings for Approval

Three specific findings must be made in order to approve a Zone Variance request:

1. The lot is affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the LUC as others have in the area.

In this case the property has no useable street frontage and therefore cannot meet the street wall requirement. If the street wall minimum was enforced on the 30-foot wide access road, only seven and a half feet would remain for vehicle access.

2. That granting of the Variance does not constitute a granting of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

In this case no other property in the same neighborhood and zone were required to have a minimum street wall. This is primarily because the 75% street wall requirement was only enacted upon the creation of the MXC-1 zone in 2011.

3. That the Variance does not authorize a use that is not otherwise allowed in the zone.

The proposed use of the property for multi-family residences is consistent with the mixed-use zoning requirement.

Finding for Denial

One finding for denial is also included as follows:

1. Although the property is currently zoned for mixed-use, the surrounding properties are single-family dwellings. Granting the variance would permit a project that does not fit in with the character of the neighborhood. The mixed-use zone is supposed to allow for walkable projects, but with a lack of street frontage, walkability would not be met with the proposed project.

Conditions of Approval

Comments were received from the Engineering Department regarding requirements for drainage, storm water, sewage, and the use of the City street. Comments were also provided by the Fire Department regarding fire code, back-flow, and fire vehicle access. The Building Department requires that the project meet building code. Comments from all departments are included as Conditions of Approval.

California Environmental Quality Act (CEQA)

The project would qualify as exempt under Class 32, Section 15332 (In-Fill Development Projects). The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project is consistent with the applicable general plan designation and policies, zoning designation and regulations, and will not affect endangered, rare, or threatened species.

Planning Commission hearing

The Planning Commission conducted a public hearing on March 5, 2018. Commissioners asked questions regarding traffic, neighborhood compatibility, and housing options. Seven residents spoke in opposition to the project citing concerns with traffic, parking, and neighborhood compatibility. The Commission voted to recommend approval of the Zone Variance based on attached findings and Conditions of Approval.

Summary

Because of the property's lack of useable street frontage, it is not possible for a project proposed for this site to meet the development requirement of a 75% minimum street wall. If a Variance for this property is denied, the site will continue to remain undeveloped. The proposal is consistent with all required findings of approval and would be consistent with all other regulations.

OPTIONS

1. Approve 2017-27 Z subject to the conditions listed below, based on the attached findings, or findings to be determined by the City Council; or
2. Deny 2017-27 Z based on the attached finding or findings to be determined by the City Council; or,
3. Continue the item to a specific date in order to obtain additional information.

RECOMMENDED FINDINGS FOR APPROVAL

2017-27 Z, 1628 Orange Street

1. Because of special circumstances applicable to the property, including size, shape, or topography, the strict application of Title 18 of the Municipal Code (Zoning) deprives such property of privileges enjoyed by other properties in the vicinity and under the identical zone classification. In this case the property has no useable street frontage and therefore cannot meet the street wall requirement. If the street wall minimum was enforced on the 30-foot wide access road, it would leave only seven and a half feet for vehicle access.
2. The requested Variance is subject to such conditions which will assure that the adjustment authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. In this case there is no other property in the same neighborhood and zone that has the required street wall.
3. The Variance does not authorize a use or activity which is not otherwise expressly authorized by the zoning regulations governing the parcel of property. The proposed use of multi-family residential is consistent with the zoning requirement as it is permitted in the MXC-1 zone.

RECOMMENDED FINDING FOR DENIAL

2017-27 Z, 1628 Orange Street

1. Although the property is currently zoned for mixed-use, the surrounding properties are single-family dwellings. Granting the variance would permit a project that does not fit in with the character of the neighborhood. The mixed-use zone is supposed to allow for walkable projects, but with a lack of street frontage, walkability would not be met with the proposed project.

RECOMMENDED CONDITIONS OF APPROVAL

2017-27 Z, 1628 Orange Street

General

1. This Zone Variance authorizes a waiver of the minimum street wall requirement of 75% for a project located at 1628 Orange Street. Plans shall be consistent with Exhibit A, Case File No. 2017-27 Z, dated 1/23/2018.
2. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.
3. Before this Zone Variance shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. **Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Zone Variance.** The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Zone Variance are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.

Planning

4. A landscape and underground irrigation plan shall be submitted as part of the construction permitting process. All landscaping and irrigation improvements shall be maintained for the life of the project.
5. Storage space of not less than one hundred fifty cubic feet for each unit plus fifty cubic feet for each additional bedroom more than one is required. The area utilized by mechanical equipment (e.g., water heater, furnace, etc.) may not be included in the cubic footage requirement. Bedroom closets shall not be included in the cubic footage requirement.
6. Plans submitted for construction shall conform to Land Use Code Section 18.42.040 (Screening mechanical equipment and elevator housing) and 18.46 (Outdoor Lighting).

Building

7. Plans submitted for building permits shall be consistent with the 2016 California Building, Electrical, Plumbing, Mechanical, Energy, Green and Fire Codes.

Fire

8. Plans submitted for building permits shall comply with the 2016 editions of NFPA, CFC and the current edition of the CCR.
9. Fire alarm and fire sprinkler shall be evaluated and installed for intended use per code.
10. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
11. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all weathered road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. A 28 foot turning radius is required for fire department access through site. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.
12. Parking shall not impact requirements of turn-around provision at any time.
13. Grade of fire apparatus road shall be within the limits established (15% Grade) by the fire code official based on fire department's apparatus.
14. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
15. Every building four stories or more shall be provided with not less than one standpipe for use during construction. Such standpipes shall be installed when the progress of construction is not more than 35 feet in height above the lowest level of fire department access. Such standpipes shall be provided with fire department hose connections at accessible locations adjacent to such useable stairs and the standpipe outlets shall be located adjacent to such useable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring. On each floor there shall be provided a 2 ½ -inch valve outlet for fire department use.

16. Where the roof has a slope less than four units vertical in 12 units horizontal, a hose connection shall be located to serve the roof of at the highest landing of a stairway with stair access to the roof provided in accordance with the current code.
17. If entrance/exit gates are used, they shall be equipped with a Knox Box and emergency strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at the front of property. Please contact the National City Fire Department for the exact field location.
18. If an elevator is proposed, the apparatus shall meet state standards required to allow for emergency travel of an ambulance gurney.
19. The project shall accommodate chapters 3 and 9 of the California Fire Code if roof top use is determined. This may include recreation, barbecues, vegetation etc.
20. Fire hydrants that may be located throughout the project shall not have a separation distance greater than 300 feet. Fire hydrants shall be located within 300 feet of all locations which are roadway accessible (measurement starts from nearest public fire hydrant to project).

The following items pertain to fire hydrants:

- a) Size and location, including size and number of outlets and whether outlets are to be equipped with independent gate valves.
 - b) Fire hydrant shall be of a three-outlet design.
21. Provide calculations confirming flow availability to meet fire flow demands and to supply large diameter hose (4-inch).
 22. Fire hydrants shall be marked using a blue reflective marker in the roadway.
 - Upon submittal for an underground permit, the following shall be included:
 - Data sheet for Back-Flows
 - Data sheets for Private and Commercial Hydrants
 - Data sheets for Post Indicator Valves

Information on required fire hydrants back-flow devices, etc.; can be acquired from Sweetwater Authority. All pipe and their appliances shall meet industry/code standards for underground use.

23. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.
24. Approved vehicle access for firefighting shall be provided to all construction and demolition sites. Vehicle access shall be provided to within 100 feet of temporary or

permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

25. Should any plan corrections be required, the contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.
26. Approval for final sign-off shall be contingent upon final field inspection and compliance with all applicable codes and ordinances.

Engineering

27. A Hydrology study (100-year flood) is required for the new project. The study should consider the proposed project area to the closest municipal storm drain collection point. The study should consider the adequacy of the existing storm drain system to convey any additional run off. All Hydrology study findings and recommendations are part of Engineering Department requirements.
28. The Storm Water BMP Requirements Applicability Form I-1 and if required I-2 checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Division web site at the link below *. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.

*<http://www.nationalcityca.gov/city-government/engineering-public-works/engineering-division/online-services-forms-fees>.
29. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
30. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.

31. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall be remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.
32. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
33. A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.
34. All existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
35. A National Pollutant Discharge Elimination System (NPDES) permit is required for discharges of storm water runoff associated with construction greater than 1 acre activity where clearing, grading, and excavation results in a land disturbance. A construction storm water permit shall be obtained from the Regional Water Quality Control Board. A copy of shall be given to the City of National City Engineering Department prior to any work beginning on the project.
36. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board (RWQCB).
37. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be six inch in size with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.

38. Separate street and sewer plans prepared by Registered Civil Engineer shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.
39. A soils engineering report shall be submitted for the Engineering Department's review after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. At a minimum, the parking lot pavement sections shall be 2-inch A.C. over 4-inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
40. An existing 50-foot wide street easement reserved to the City of National City exists at the northerly 50 feet of Lot E of Block 5 of Map 1785 excepting the westerly 221.5 feet and the easterly 30 feet of Lot F of Map 1785 and no building encroachment will be allowed within the easement (see attached document). The easement shall be shown on the plans.
41. All existing survey monuments, including any benchmark within the boundaries of the project, shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
42. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way and any grading construction on private property.
43. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
44. The site plan shall be revised to show the existing street easement granted to the City per attached document. Parking shall conform to City of National City standards.
45. A title report shall be submitted to the Engineering Department, after the Planning Commission approval, for review of all existing easements and the ownership at the property.
46. All proposed NO PARKING zone(s) (red curbing) shall be shown in the street improvement plans.
47. All new dwellings are subject to a Transportation Development Impact Fee of \$2,405.00. This includes new homes, condos, and apartments.

48. All electrical, telephone, and similar distribution service wires for the new structure(s) shall be placed underground.
49. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping, and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
50. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.
51. The City Engineer suggests that the developer contact SDG&E to have a street light installed on the existing pole on the easterly end of the unnamed street where street parking is proposed.

EXHIBIT: A
CASE FILE NO.: 2017-272
DATE: 1/23/2018

PROJECT TEAM

(BIOGRAPHY) CHANCE ST PARTNERS LLC
 10000 PULVER ST. HOUSTON
 28161-1540
 JACOBI (A 20-03)
 #412 292-1373
 CLAR INC
 600 N LOWRY AVE
 #100 2200 ST
 SAN DIEGO, CA 92116
 #619 400-0195
 FISCAL & EYER & ASSOCIATES
 1011 WALKER PLE PLD ASSOCIATE PRINCIPAL
 300 SOUTH WICHITA ST STE A
 OKLAHOMA CITY, OK 73102
 #405 441-6212 EXT 102
 FARRER 1414

PROJECT INFO

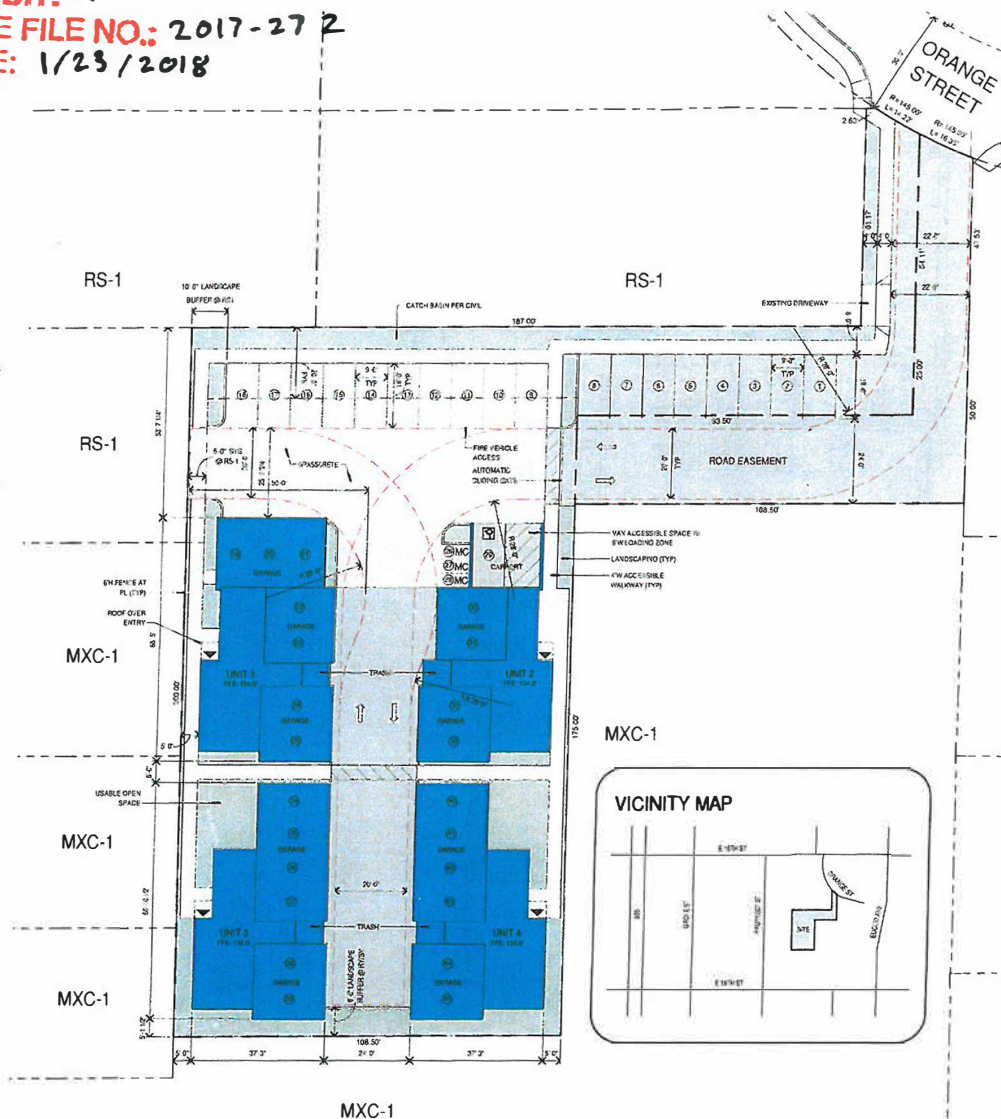
[illegible]

AREA CALCULATIONS

| FLOOR AREA CALCULATIONS | |
|---|--------------------------------|
| LIVING AREA | |
| 1ST FLOOR | 3,019 SF |
| 2ND FLOOR | 6,867 SF |
| 3RD FLOOR | 5,587 SF |
| TOTAL LIVING AREA | 15,473 SF |
| GARAGE / TRAILER AREA | |
| | 8,841 SF |
| TOTAL FLOOR AREA | 24,314 SF |
| LEASABLE COMMON SPACE - MOVEMENTS REQUIRED: | |
| COMMON OPEN SPACE | 300 SF X 4 DU 900 SF X 4 DU |
| PRIVATE OPEN SPACE | 100 |
| PROVIDED: | |
| COMMON OPEN SPACE | |
| PRIVATE OPEN SPACE | |
| INTERCOURSE AREA: | |
| INTERCOURSE AREA | 14,624 SF |
| INTERCOURSE AREA | 8,076 SF |

DRAWING LIST

| | |
|------|---|
| A100 | SITE PLAN AND PROJECT INFORMATION |
| A101 | UNIT 1 FIRST FLOOR AND SECOND FLOOR PLANS |
| A102 | UNIT 1 THIRD FLOOR AND ROOF PLANS |
| A103 | SITE AXONOMETRIC |



1 SITE PLAN

100%

Archival



NATIONAL ARCHIVES
 COLLEEN LOWERY
 C 35009
 FILE# 12.31.17
 STATE OF CALIFORNIA

GLAD 164
 1102 2nd Street West Diego, CA 92116
 619 584 0001

Project Number 8974
 Date 12/15
 Author

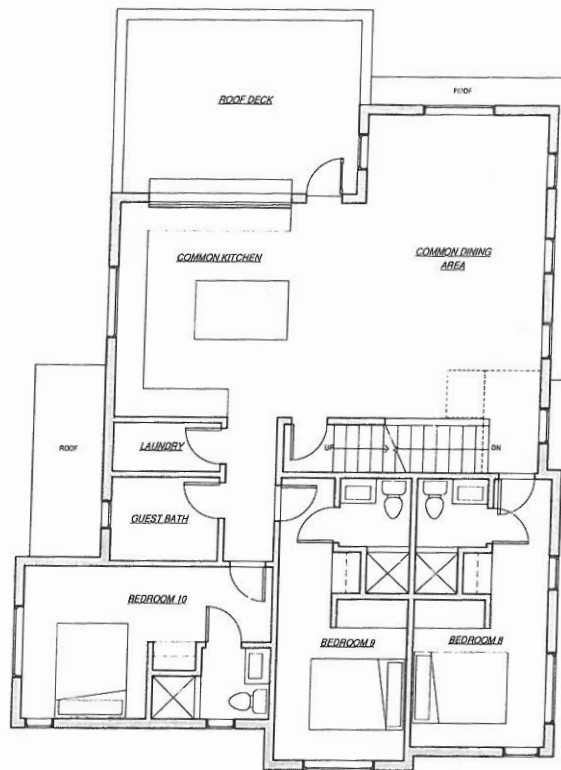
| No. | Date | Notes |
|-----|------|-------|
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

Sheet Number _____

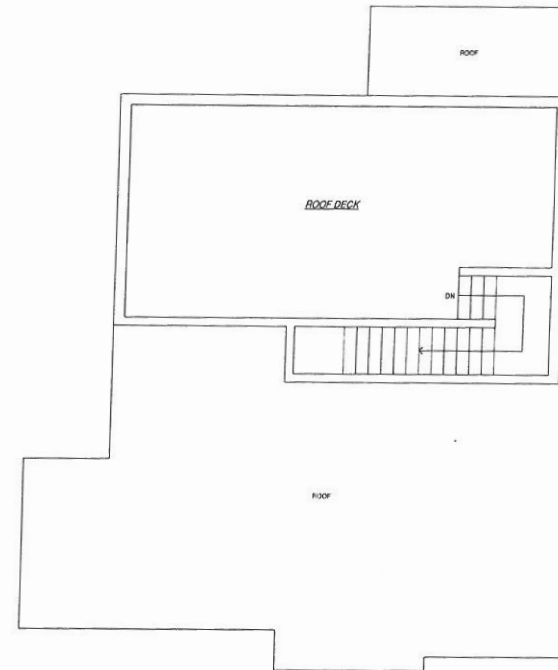
SITE PLAN AND PROJECT INFORMATION

A100





1 UNIT 1 - THIRD FLOOR PLAN
1/4" = 1'-0"



2 UNIT 1 - ROOF PLAN
1/4" = 1'-0"

Architect

DAVID ASHBY
ARCHITECT
COUNCIL LORRY
C 35202
RCA 12.31.17
STATE OF CALIFORNIA

GLAD INC.
4700 Shatt Street, E. in Diego, CA 92116
619.660.8000

Project Number: 201145
Drawn By: CL
Title: 10/10/17
Check By: [blank]
Rev: [blank] Date: [blank] Name: [blank]

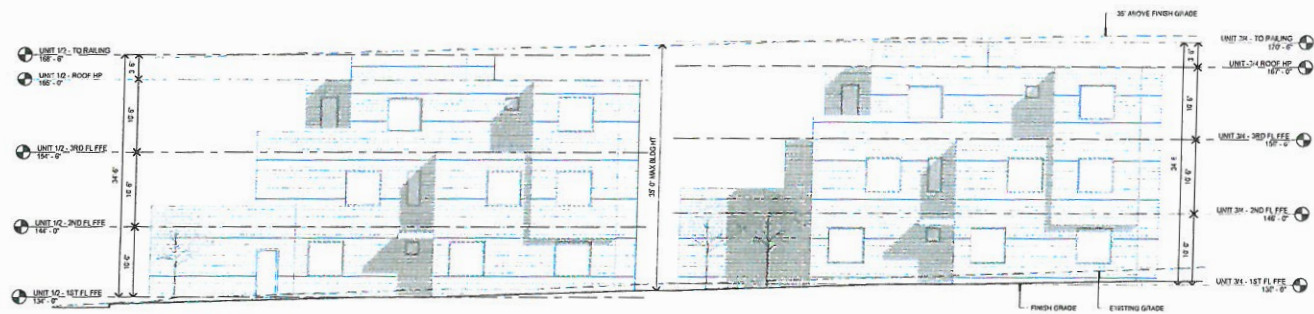
Sheet Name:

UNIT 1 THIRD FLOOR AND
ROOF PLANS

Sheet Number:



1 SITE AXONOMETRIC



2 ELEVATION (WEST)
1/8" = 1'-0"

Approved



GLAD INC.
1700 34th Street San Diego, CA 92116
619.200.8153

Project Number: 2017.06

Drawn By: CL

Date: 10/31/17

Revised:

Rev Date Desc

SITE AXONOMETRIC

Sheet Number

A103



NOTICE OF EXEMPTION

TO: Assessor/Recorder/County Clerk
Attn: Fish and Wildlife Notices
1600 Pacific Highway, Suite 260
San Diego, CA 92101
MS: A-33

Lead Agency: City of National City

Project Title: 2017-27 Z

Project Location: 1628 Orange Street, National City, CA 91950

Contact Person: Chris Stanley

Telephone Number: (619) 336-4381

Description of Nature, Purpose and Beneficiaries of Project:

Zone Variance application for waiver of a 75% street wall minimum requirement.

Applicant:

Keith Robinson
3559 4th St.
San Diego, CA 92103

Telephone Number:

(619) 202-7283

Exempt Status:

☒ **Categorical Exemption. Class 32 Section 15332 (In-Fill Development)**

Reasons why project is exempt:

It can be seen with certainty that the project will not have a significant effect on the environment, since the project exists within a fully urbanized residential area. The project is consistent with the applicable general plan designation, policies, and zoning designation and regulations. No habitat exists on the site in which the development is proposed.

Date:

CHRIS STANLEY
Planning Technician

ATTACHMENT 5

RESOLUTION NO. 2018-04 (a)

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF NATIONAL CITY, CALIFORNIA
APPROVING A ZONE VARIANCE FOR THE WAIVER OF A STREET WALL
REQUIREMENT
LOCATED AT 1628 ORANGE STREET
CASE FILE NO. 2017-27 Z
APN: 561-160-16

WHEREAS, the Planning Commission of the City of National City considered a Zone Variance for a waiver of a street wall requirement for a property located at 1628 Orange Street at a duly advertised public hearing held on March 5, 2018, at which time oral and documentary evidence was presented; and,

WHEREAS, at said public hearings the Planning Commission considered the staff report contained in Case File No. 2017-27 Z maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and,

WHEREAS, this action is taken pursuant to all applicable procedures required by State law and City law; and,

WHEREAS, the action recited herein is found to be essential for the preservation of public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of National City, California, that the testimony and evidence presented to the Planning Commission at the public hearing held on March 5, 2018, support the following findings:

1. That the lot is affected by special circumstances, including size, shape, or topography, that deprive the lot of the ability to develop per the Land Use Code as others in the area have, because the property has no useable street frontage and therefore cannot meet the street wall requirement.
2. That granting of the Variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated, because no other property in the same neighborhood and zone was required to have a minimum street wall. This is primarily because the 75% street wall requirement was only enacted upon the creation of the MXC-1 zone in 2011.
3. That the Variance does not authorize a use that is not otherwise allowed in the zone, because the proposed use of the property for multi-family residences is consistent with the mixed-use zoning requirement.
4. That the proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA); staff has determined that the proposed use is

categorically exempt from environmental review pursuant to Class 32 Section 15332. This section allows for in-fill development that is consistent with the general plan and zoning designation; occurs within city limits; is no more than five acres and substantially surrounded by urban uses; the site has no value as habitat for endangered, rare or threatened species; would not result in any significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities and public services. The addition in questions is consistent with this exemption.

BE IT FURTHER RESOLVED that the application for a Zone Variance is approved subject to the following conditions:

General

1. This *Zone Variance* authorizes a waiver of the minimum street wall requirement of 75% for a project located at 1628 Orange Street. Plans shall be consistent with Exhibit A, Case File No. 2017-27 Z, dated 1/23/2018.
2. Before this Zone Variance shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Department, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Zone Variance. The applicant shall also submit evidence to the satisfaction of the Planning Department that a Notice of Restriction on Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Zone Variance are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.
3. This permit shall become null and void if not exercised within one year after adoption of the Resolution of approval unless extended according to procedures specified in Section 18.12.040 of the Municipal Code.

Planning

4. A landscape and underground irrigation plan shall be submitted as part of the construction permitting process. All landscaping and irrigation improvements shall be maintained for the life of the project.

5. Storage space of not less than one hundred fifty cubic feet for each unit plus fifty cubic feet for each additional bedroom more than one is required. The area utilized by mechanical equipment (e.g., water heater, furnace, etc.) may not be included in the cubic footage requirement. Bedroom closets shall not be included in the cubic footage requirement.
6. Plans submitted for construction shall conform to Land Use Code Section 18.42.040 (Screening mechanical equipment and elevator housing) and 18.46 (Outdoor Lighting).

Building

7. Plans submitted for building permits shall be consistent with the 2016 California Building, Electrical, Plumbing, Mechanical, Energy, Green and Fire Codes.

Fire

8. Plans submitted for building permits shall comply with the 2016 editions of NFPA, CFC and the current edition of the CCR.
9. Fire alarm and fire sprinkler shall be evaluated and installed for intended use per code.
10. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2013) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
11. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all weathered road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road, the minimum road width shall be 26 feet. A 28 foot turning radius is required for fire department access through site. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas.

12. Parking shall not impact requirements of turn-around provision at any time.
13. Grade of fire apparatus road shall be within the limits established (15% Grade) by the fire code official based on fire department's apparatus.
14. Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.
15. Every building four stories or more shall be provided with not less than one standpipe for use during construction. Such standpipes shall be installed when the progress of construction is not more than 35 feet in height above the lowest level of fire department access. Such standpipes shall be provided with fire department hose connections at accessible locations adjacent to such useable stairs and the standpipe outlets shall be located adjacent to such useable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring. On each floor there shall be provided a 2 ½ -inch valve outlet for fire department use.
16. Where the roof has a slope less than four units vertical in 12 units horizontal, a hose connection shall be located to serve the roof of at the highest landing of a stairway with stair access to the roof provided in accordance with the current code.
17. If entrance/exit gates are used, they shall be equipped with a Knox Box and emergency strobes so as to provide emergency vehicle access and egress. A Knox Key Switch shall be required in conjunction with strobe for emergency access, and shall be placed at the front of property. Please contact the National City Fire Department for the exact field location.
18. If an elevator is proposed, the apparatus shall meet state standards required to allow for emergency travel of an ambulance gurney.
19. The project shall accommodate chapters 3 and 9 of the California Fire Code if roof top use is determined. This may include recreation, barbecues, vegetation etc.
20. Fire hydrants that may be located throughout the project shall not have a separation distance greater than 300 feet. Fire hydrants shall be located within 300 feet of all

locations which are roadway accessible (measurement starts from nearest public fire hydrant to project).

The following items pertain to fire hydrants:

- a) Size and location, including size and number of outlets and whether outlets are to be equipped with independent gate valves.
- b) Fire hydrant shall be of a three-outlet design.

21. Provide calculations confirming flow availability to meet fire flow demands and to supply large diameter hose (4-inch).

22. Fire hydrants shall be marked using a blue reflective marker in the roadway.

23. Upon submittal for an underground permit, the following shall be included:

- Data sheet for Back-Flows
- Data sheets for Private and Commercial Hydrants
- Data sheets for Post Indicator Valves

Information on required fire hydrants back-flow devices, etc.; can be acquired from Sweetwater Authority. All pipe and their appliances shall meet industry/code standards for underground use.

24. An approved water supply for fire protection, either temporary or permanent, shall be made available as soon as combustible material arrives on the site.

25. Approved vehicle access for firefighting shall be provided to all construction and demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

26. Should any plan corrections be required, the contractor must correct the plan and re-submit to the Fire Department for approval once again prior to installation.

27. Approval for final sign-off shall be contingent upon final field inspection and compliance with all applicable codes and ordinances.

Engineering

28. A Hydrology study (100-year flood) is required for the new project. The study should consider the proposed project area to the closest municipal storm drain collection point. The study should consider the adequacy of the existing storm drain system to convey any additional run off. All Hydrology study findings and recommendations are part of Engineering Department requirements.
29. The Storm Water BMP Requirements Applicability Form I-1 and if required I-2 checklist for the National Pollutant Discharge Elimination System (NPDES) is required to be completed and submitted to the Engineering Department. The checklist will be required when a project site is submitted for review of the City Departments. The checklist is available at the Engineering Division web site at the link below *. If it is determined that the project is subject to the "Priority Project Permanent Storm Water BMP Requirements" and the City of National City Storm Water Best Management Practices of the Jurisdictional Urban Runoff Management Program (JURMP) approved Standard Urban Storm Water Mitigation Plan (SUSMP) documentation will be required prior to issuance of an applicable engineering permit. The SUSMP shall be prepared by a Registered Civil Engineer.
- *<http://www.nationalcityca.gov/city-government/engineering-public-works/engineering-division/online-services-forms-fees>.
30. The Best Management Practices (BMPs) for the maintenance of the proposed construction shall be undertaken in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations which may require a Storm Water Pollution Prevention Plan (SWPPP) for the project. An approved SWPPP will be required prior to issuing of a construction permit.
31. All surface run-off shall be treated with an approved Standard Urban Runoff Mitigation Plan (SUSMP) Best Management Practice (BMP) for all Priority SUSMP projects. No runoff will be permitted to flow over the sidewalk. Adjacent properties shall be protected from surface run-off resulting from this development.
32. The property owner, or its successors and assigns shall be responsible for the maintenance, repair, or reconstruction of all irrigation and landscaping improvements installed within the public right-of-way. Sprinkler heads shall be adjusted so as to prevent overspray upon the public sidewalk or the street. The proposed sprinkler heads shall be installed behind the sidewalk, and the irrigation

mainline upon private property only, as required by the City. The property owner or, its successors or assigns, shall be remove and relocate all irrigation items from the public right-of-way at no cost to the City, and within a reasonable time frame upon a written notification by the City Engineer.

33. Metallic identification tape shall be placed between the bottom layer of the finished surface and the top of all irrigation lines in the public right-of-way.
A grading and drainage plan shall be submitted showing all of the proposed and existing on-site and off-site improvements. The plan shall be prepared in accordance with the City's standard requirements by a Registered Civil Engineer. All necessary measures for prevention of storm water pollution and hazardous material run-off to the public storm drain system from the proposed parking lot or development shall be implemented with the design of the grading. This shall include the provision of such devices as storm drain interceptors, clarifiers, or filters. Best Management Practices for the maintenance of the parking lot, including sampling, monitoring, and cleaning of private catch basins and storm drains, shall be undertaken in accordance with the National Pollution Discharge Elimination System (NPDES) regulations. A private storm water treatment maintenance agreement shall be signed and recorded. A check list for preparation of the grading plan/drainage plan is available at the Engineering Department.
34. All existing and proposed curb inlet on property shall be provided with a "No Dumping" signage in accordance with the NPDES program.
35. A National Pollutant Discharge Elimination System (NPDES) permit is required for discharges of storm water runoff associated with construction greater than 1 acre activity where clearing, grading, and excavation results in a land disturbance. A construction storm water permit shall be obtained from the Regional Water Quality Control Board. A copy of shall be given to the City of National City Engineering Department prior to any work beginning on the project.
36. A Notice of Intent (NOI) shall be filed with the Regional Water Quality Control Board (RWQCB).
37. A sewer permit will be required. The method of sewage collection and disposal shall be shown on the grading/drainage plan. Any new sewer lateral in the City right-of-way shall be six inch in size with a clean out. A sewer stamp "S" shall be provided on the curb to mark the location of the lateral.

38. Separate street and sewer plans prepared by Registered Civil Engineer shall be submitted showing all of the existing and proposed improvements. The plans shall be in accordance with City requirements.
39. A soils engineering report shall be submitted for the Engineering Department's review after Planning Commission approval. The report shall address the stability of all of the existing and proposed slopes on the property. It shall also address the adequacy of the building pads, the criteria for any new retaining wall design, the maximum allowable soil bearing pressure and the required pavement structural sections for the proposed streets, the parking areas, and the driveways. At a minimum, the parking lot pavement sections shall be 2-inch A.C. over 4-inch Class II aggregate base. The street pavement sections shall be in accordance with National City modified Standard Drawing G-34. All soils report findings and recommendations shall be part of the Engineering Department requirements.
40. An existing 50-foot wide street easement reserved to the City of National City exists at the northerly 50 feet of Lot E of Block 5 of Map 1785 excepting the westerly 221.5 feet and the easterly 30 feet of Lot F of Map 1785 and no building encroachment will be allowed within the easement (see attached document). The easement shall be shown on the plans.
41. All existing survey monuments, including any benchmark within the boundaries of the project, shall be shown on the plans. If disturbed, a licensed land surveyor or civil engineer shall restore them after completion of the work. A Corner Record shall be filed with the County of San Diego Recorder. A copy of the documents filed shall be given to the City of National City Engineering Department as soon as filed.
42. A permit shall be obtained from the Engineering Department for all improvement work within the public right-of-way and any grading construction on private property.
43. Street improvements shall be in accordance with the City Standards. All missing street improvements shall be constructed. Abandoned driveway aprons shall be replaced with curb, gutter, and sidewalks.
44. The site plan shall be revised to show the existing street easement granted to the City per attached document. Parking shall conform to City of National City standards.

45. A title report shall be submitted to the Engineering Department, after the Planning Commission approval, for review of all existing easements and the ownership at the property.
46. All proposed NO PARKING zone(s) (red curbing) shall be shown in the street improvement plans.
47. All new dwellings are subject to a Transportation Development Impact Fee of \$2,405.00. This includes new homes, condos, and apartments.
48. All electrical, telephone, and similar distribution service wires for the new structure(s) shall be placed underground.
49. A cost estimate for all of the proposed grading, drainage, street improvements, landscaping, and retaining wall work shall be submitted with the plans. A performance bond equal to the approved cost estimate shall be posted. Three percent (3%) of the estimated cost shall also be deposited with the City as an initial cost for plan checking and inspection services at the time the plans are submitted. The deposit is subject to adjustment according to actual worked hours and consultant services.
50. A hydromodification plan or a letter sealed and signed by the Engineer of Work explaining why the project is exempt from hydromodification requirements shall be submitted.
51. The City Engineer suggests that the developer contact SDG&E to have a street light installed on the existing pole on the easterly end of the unnamed street where street parking is proposed.

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted forthwith to the applicant and to the City Council.

BE IT FINALLY RESOLVED that this Resolution shall become effective and final on the day following the City Council meeting where the Planning Commission resolution is set for review, unless an appeal in writing is filed with the City Clerk prior to 5:00 p.m. on the day of that City Council meeting. The City Council may, at that meeting, appeal the decision of the Planning Commission and set the matter for public hearing.

CERTIFICATION:

This certifies that the Resolution was adopted by the Planning Commission at their meeting of March 5, 2018, by the following vote:

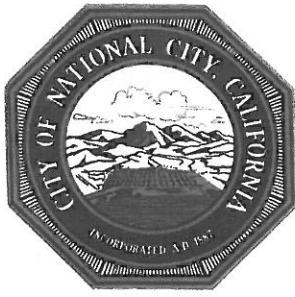
AYES: Yamane, Sendt, Garcia, Quintero

NAYS: Flores, Dela Paz

ABSENT: Baca

ABSTAIN: None


CHAIRPERSON



**CITY OF NATIONAL CITY
Office of the City Clerk**

1243 National City Blvd., National City, California 91950
619-336-4228 phone / 619-336-4229 fax

Michael R. Dalla, CMC - City Clerk

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of National City will hold a Public Hearing after the hour of 6:00 p.m., **Tuesday, April 17, 2018**, in the City Council Chambers, Civic Center, 1243 National City Blvd., National City, CA., to consider:

ZONE VARIANCE FOR THE WAIVER OF MINIMUM STREET WALL REQUIREMENTS FOR A PROPERTY LOCATED AT 1628 ORANGE STREET.

The Planning Commission conducted a public hearing at their meeting of March 5, 2018 and voted to recommend approval of the Zone Variance by a vote of 4 to 2 with one member absent.

Anyone interested in this matter may appear at the above time and place and be heard.

If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the undersigned, or to the City Council of the City of National City at, or prior to, the Public Hearing.

March 22, 2018

Michael R. Dalla, CMC
City Clerk

ATTACHMENT : 7

The following page(s) contain the backup material for Agenda Item: City Council
Legislative Recess. (City Manager)

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO. _____

ITEM TITLE:

City Council Legislative Recess. (City Manager)

PREPARED BY: Leslie Deese, City Manager

PHONE: 619-336-4240

DEPARTMENT: City Manager

APPROVED BY: 

EXPLANATION:

Please see attached Staff Report.

FINANCIAL STATEMENT:

ACCOUNT NO.

N/A

APPROVED: _____ Finance

APPROVED: _____

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: **INTRODUCTION:** ☐ **FINAL ADOPTION:** ☐

STAFF RECOMMENDATION:

Request City Council direction on observing a City Council legislative recess.

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

1. Staff Report

The following page(s) contain the backup material for Agenda Item: To consider a Motion to direct the City Attorney to hire outside counsel to conduct an investigation into the allegations that Councilmember Cano violated State law, which includes, but is not limited to, Government Code Section 87100 as it relates to inf

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO.

ITEM TITLE: NEW BUSINESS: To consider a Motion to direct the City Attorney to hire outside counsel to conduct an investigation into the allegations that Councilmember Cano violated State laws, which includes but is not limited to Government Code Section 87100 as it relates to influencing a governmental decision or staff decision in which he knows or has reason to know he has a financial interest, as well as, investigating any other allegations by or against Councilmember Cano.

PREPARED BY: Angil P. Morris-Jones

DEPARTMENT: City Attorney

PHONE: | 336-4222 |

APPROVED BY: 

EXPLANATION:

At the April 3, 2018 City Council meeting, the City Council voted 4 to 0 to place the above-referenced Motion as an item on the April 17, 2018 City Council Agenda.

FINANCIAL STATEMENT:

APPROVED: _____ Finance

ACCOUNT NO.

APPROVED: _____ MIS

N/A

ENVIRONMENTAL REVIEW:

N/A

ORDINANCE: INTRODUCTION: ☐ FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

N/A

BOARD / COMMISSION RECOMMENDATION:

N/A

ATTACHMENTS:

The following page(s) contain the backup material for Agenda Item: Resolution of the City Council of the City of National City authorizing the Chairman to execute a Subordination Agreement allowing a new mortgage that is not-to-exceed \$97,000 to be and remain a lien prior and superior to a home purchase assistance loan o

**CITY OF NATIONAL CITY, CALIFORNIA
COMMUNITY DEVELOPMENT COMMISSION-HOUSING AUTHORITY
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 17, 2018

AGENDA ITEM NO. _____

ITEM TITLE:

Resolution of the City Council of the City of National City authorizing the Chairman to execute a Subordination Agreement allowing a new mortgage that is not-to-exceed \$97,000 to be and remain a lien prior and superior to a home purchase assistance loan on a single-unit property located at 1832 E Avenue in National City.

PREPARED BY:

Angelita Palma, Acting Comm. Dev. Manager

DEPARTMENT: Housing & Economic Development

PHONE: (619) 336-4219

APPROVED BY: _____

EXPLANATION:

On March 11, 2002, the Community Development Commission of the City of National City ("CDC") made a loan for \$18,300 from the CDC's First-Time Homebuyer Program to assist in the purchase of a single family home located at 1832 E Avenue in National City. The City loan is deferred for thirty years and charged 3% simple interest which was forgiven after the tenth year of occupancy. Raul Meza and Claudia Meza ("Borrowers") are interested in refinancing the first mortgage loan on the property and have been approved for a new loan from Wells Fargo Bank, N.A. ("Lender").

The Lender is requiring that the Community Development Commission-Housing Authority (CDC-HA) execute the attached subordination agreement allowing the new loan to hold superior position to the CDC-issued loan. The CDC loan will maintain second lien position on the property. The purpose of the refinance is to reduce the interest rate paid to a fixed rate of 4.375% and there will be no cash proceeds to the Borrowers through the refinance. Staff has satisfactorily reviewed the combined loan-to-value, preliminary title report, new loan terms, and good faith estimate that outline the closing costs of the transaction.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

n/a

ENVIRONMENTAL REVIEW:

n/a

ORDINANCE: INTRODUCTION: ☐

FINAL ADOPTION: ☐

STAFF RECOMMENDATION:

Adopt the Resolution.

BOARD / COMMISSION RECOMMENDATION:

n/a

ATTACHMENTS:

1. Subordination Agreement

RECORDING REQUESTED BY
FIRST AMERICAN TITLE COMPANY
AND WHEN RECORDED MAIL TO:
CITY OF NATIONAL CITY
1243 NATIONAL CITY BLVD
NATIONAL CITY, CA 91950
ATTN: HOUSING & ECONOMIC DEV

ORDER NO.: 1555487

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SUBORDINATION AGREEMENT

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY BECOMING SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

THIS AGREEMENT, made this **17th day of April 2018** by **Raul Meza and Claudia Meza**, owner of the land hereinafter described and hereinafter referred to as "Owners", and the **Community Development Commission-Housing Authority of the City of National City**, a public body, corporate and politic as present owner and holder of the deed of trust and note first hereinafter described and hereinafter referred to as "Beneficiary".

WITNESSETH

THAT WHEREAS, Owners has executed a deed of trust, dated **March 18, 2002**, to the **Community Development Commission-Housing Authority of the City of National City** as trustee, covering the Real property in the City of National City, County of San Diego, State of California, described as follows:

SEE ATTACHED LEGAL DESCRIPTION.

to secure a note in the sum of **\$18,300**, dated **March 11, 2002**, in favor of The **Community Development Commission-Housing Authority of the City of National City**, a public body, corporation and politic, which deed of trust was recorded **March 18, 2002**, Recording Number **2002-0224160** Official Records of said county; and

WHEREAS, Owners has executed, or is about to execute, a deed of trust and note in the sum not to exceed **\$97,000** dated **2018**, in favor of **Wells Fargo Bank, N.A.**, hereinafter referred to as "Lender", payable with interest and upon the terms and conditions described therein, which deed of trust is to be recorded concurrently herewith; and

WHEREAS, it is a condition precedent to obtaining said loan that said deed of trust last above mentioned shall unconditionally be and remain at all times a lien or charge upon the land hereinbefore described, prior and superior to the lien or charge of the deed of trust first above mentioned; and

WHEREAS, Lender is willing to make said loan provided the deed of trust securing the same is a lien or charge upon the above described property prior and superior to the lien or charge of the deed of trust first above mentioned and provided that Beneficiary will specifically and unconditionally subordinate the lien or charge of the deed of trust first above mentioned to the lien or charge of the deed of trust in favor of Lender; and

WHEREAS, it is to the mutual benefit of the parties hereto that Lender make such loan to Owner; and Beneficiary is willing that the deed of trust securing the same shall, when recorded, constitute a lien or charge upon said land which is unconditionally prior and superior to the lien or charge of the deed of trust first above mentioned.

NOW THEREFORE, in consideration of the mutual benefits accruing to the parties hereto and other valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce Lender to make the loan above referred to, it is hereby declared, understood and agreed as follows:

- (1) That said deed of trust securing said note in favor of Lender, and any renewals or extensions thereof, shall unconditionally be and remain at all times a lien or charge on the property therein described, prior and superior to the lien or charge of the deed of trust first above mentioned.
- (2) That Lender would not make its loan above described without this subordination agreement.
- (3) That this agreement shall be the whole and only agreement with regard to the subordination of the lien or charge of the deed of trust first above mentioned to the lien or charge of the deed of trust in favor of Lender above referred to and shall supersede and cancel, but only insofar as would affect the priority between the deeds of trust hereinbefore specifically described, any

prior agreement as to such subordination including, but not limited to, those provisions, if any, contained in the deed of trust first above mentioned, which provide for the subordination of the lien or charge thereof to another deed or deeds of trust or to another mortgage or mortgages.

Beneficiary declares, agrees and acknowledges that

- (a) He/She consents to and approves (i) all provisions of the note and deed of trust in favor of Lender above referred to, and (ii) all agreements, including but not limited to any loan or escrow agreements, between Owner and Lender for the disbursement of the proceeds of Lender's loan;
- (b) Lender in making disbursements pursuant to any such agreement is under no obligation or duty to, nor has Lender represented that it will, see to the application of such proceeds by the person or persons to whom Lender disburses such proceeds and any application or use of such proceeds for purposes other than those provided for in such agreement or agreements shall not defeat the subordination herein made in whole or in part;
- (c) He/She intentionally and unconditionally waives, relinquishes and subordinates the lien or charge of the deed of trust first above mentioned in favor of the lien or charge upon said land of the deed of trust in favor of Lender above referred to and understands that in reliance upon, and in consideration of, this waiver, relinquishment and subordination specific loans and advances are being and will be entered into which would not be made or entered into but for said reliance upon this waiver, relinquishment and subordination; and
- (d) An endorsement has been placed upon the note secured by the deed of trust first above mentioned that said deed of trust has by this instrument been subordinated to the lien or charge of the deed of trust in favor of Lender above referred to.

NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOWS THE PERSON OBLIGATED ON YOUR REAL PROPERTY SECURITY TO OBTAIN A LOAN A PORTION OF WHICH MAY BE EXPENDED FOR OTHER PURPOSES THAN IMPROVEMENT OF THE LAND.

**Community Development Commission – Housing
Authority of the City of National City**

Raul Meza

By: Ron Morrison, Chairman

Claudia Meza

Beneficiary

Owner

(All signatures must be acknowledged)

IT IS RECOMMENDED THAT, PRIOR TO THE EXECUTION OF THIS SUBORDINATION AGREEMENT, THE PARTIES CONSULT WITH THEIR ATTORNEYS WITH RESPECT THERETO.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

} SS:

On _____ before me, Angelita Palma, a Notary Public, personally appeared Ron Morrison who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

FOR NOTARY SEAL OR STAMP

WITNESS my hand and official seal.

Signature _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF _____

} SS:

On _____ before me, _____, a Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

FOR NOTARY SEAL OR STAMP

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

LEGAL DESCRIPTION

Real property in the City of National City, County of San Diego, State of California, described as follows:

LOT 13 AND THE SOUTH 15 FEET OF LOT 14, BLOCK 1 OF SUBDIVISION BY W.S. BULLIS, MAY 21, 1881 OF TEN ACRE LOT 14 OF QUARTER SECTION 153 OF RANCHO DE LA NACION, IN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 201, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MAY 27, 1881.

ALSO THE SOUTHWESTERLY 10 FEET OF "E" AVENUE ADJOINING THE ABOVE DESCRIBED PROPERTY ON THE NORTHEAST, AS CLOSED JULY 20, 1915, BY RESOLUTION NO. 477 OF THE BOARD OF TRUSTEES OF THE CITY OF NATIONAL CITY.

APN: 560-231-11-00